



Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM
ELLIPTICAL ROAD, DILIMAN, QUEZON CITY • TELS. 928-7031 TO 39

ADMINISTRATIVE ORDER NO. 06
Series of 1997

SUBJECT: REVISION OF ADMINISTRATIVE ORDER NO. 05, SERIES OF 1992, ENTITLED "CLARIFICATORY GUIDELINES AND AMENDMENTS TO ADMINISTRATIVE ORDER NO. 09, SERIES OF 1990"

I. PREFATORY STATEMENT

Section II-A of Administrative Order (A.O.) No. 05, Series of 1992 provides that, in certain instances, the DAR may allow landowners to withdraw the property they have voluntarily offered for sale to the government through the DAR. This provision affords flexibility to landowners who offer their properties under the Voluntary Offer to Sell (VOS) scheme but subsequently withdraw to avail of their retention rights of not more than five (5) hectares or to wait for the compulsory coverage of the same, or for the purpose of shifting to the mode of acquisition and compensation through the Voluntary Land Transfer/Direct Payment Scheme (VLT/DPS).

Experience, however, indicates that the distribution to Agrarian Reform Beneficiaries (ARBs) of many landholdings of landowners whose VOS land transfer claims are already in the pipeline is hampered by the withdrawal of landowner-offerors, resulting in the waste of government money, time and effort in the processing of the landowners' claims, and in the negative reaction of the ARBs concerned.

To address the aforementioned issues and to expedite the acquisition of lands covered by the Comprehensive Agrarian Reform Program, the following guidelines are hereby prescribed.

II. GOVERNING RULES

- A. Withdrawal of VOS shall no longer be allowed after the letter offer for VOS, i.e., CARP Form No. 1 (Annex A) is received by the DAR.

However, the DAR may allow the withdrawal of voluntary offers to sell if the withdrawal of VOS is for the purpose of acquisition and compensation through the Voluntary Land Transfer/Direct Payment Scheme



(VLT/DPS): provided that, the claimfolder has not yet been forwarded to the LBP for the computation of the land value.

B. The DAR may reject a voluntary offer to sell under the following instances:

1. The landholding is not suitable for agriculture or is undeveloped, and has a slope of more than eighteen percent (18%) pursuant to the Joint Memorandum Circular of the DAR-LBP-DENR-DA, dated 27 January 1992;
2. There are no takers or willing agrarian reform beneficiaries (ARBs) for valid reasons (e.g., peace and order situation prevailing in the area). This is without prejudice to future coverage of the area under the CARP; and
3. The only identified ARBs are the qualified children of the landowner.

C. The DAR may also allow the withdrawal of a VOS or the lifting of a Notice of Coverage over a parcel of land if the subject landholding is determined by the DAR to be more suitable for a townsite, resettlement site or institutional site needed to address a matter of national interest or concern in a calamity situation. In this regard, the DAR rules and regulations on land use conversion and payment of disturbance compensation shall be followed. This, however, does not preclude the DAR from issuing in the future, another Notice of Coverage on the same areas should it find justifiable conditions to warrant such issuance.

D. Lands covered under Compulsory Acquisition may also be allowed to shift to Voluntary Land Transfer/Direct Payment Scheme (VLT/DPS) or Voluntary Offer to Sell provided that the claimfolder has not yet been forwarded to the LBP for the computation of land value.

III. PROCEDURES

A. The landowner shall submit to the DAR a written request to withdraw his voluntary offer to sell or have the Notice of Coverage over his landholding lifted, stating the reason(s) for such request.

B. The MARO, upon receipt of the request, shall conduct a proper verification thereof and submit the following:

1. Report of findings and recommendations; and
2. Other supporting documents (e.g., VLT application).

The MARO shall submit these documents to the PARO within five (5) working days from the date of receipt of the landowner's request.

- C. The PARO shall review and evaluate the MARO's report and submit his recommendations to the Regional Director within five (5) days from receipt of the MARO's report.
- D. Except for those cases falling under Section II-C above, the Regional Director shall approve or disapprove the applications for VOS withdrawal covering lands of up to ten (10) hectares in size. He shall give a copy of his decisions on such applications to the Office of the Secretary, through the Undersecretary for FOG, and to the PARO and the MARO concerned.

For cases falling under Section II-B, the Regional Director shall reject the voluntary offer to sell and officially notify the landowner of the reason(s) for such action.

Finally, in all other cases, the Regional Director shall evaluate the reports of the MARO and PARO and forward the case, together with his recommendations, to the Office of the Secretary through the Undersecretary for Field Operations.

The Regional Director shall perform his above duties within ten (10) days from receipt of the pertinent documents.

- E. The Undersecretary for Field Operations shall approve or disapprove applications for VOS withdrawal or lifting of Notice of Coverage involving lands less than one hundred (100) hectares. The Undersecretary is given fifteen (15) days to perform his functions in this regard.
- F. The DAR Secretary shall approve or disapprove applications for VOS withdrawal or lifting of Notice of Coverage of lands over one hundred (100) hectares in size.

IV. TRANSITORY PROVISION

All applications for VOS withdrawal shall be reviewed and evaluated by the DAR central or regional legal offices/units which shall recommend its approval or disapproval thereof to the concerned DAR officials within ten (10) days reckoned from the date the said application was received.

V. RESERVATION CLAUSE

Nothing herein shall be construed as precluding the DAR Secretary from acting on VOS withdrawals for other meritorious grounds subject to or consistent with the provisions of the CARL and allied rules and regulations.

VI. EFFECTIVITY AND REPEALING CLAUSE

This Administrative Order shall take effect ten (10) days after its publication in two (2) national newspapers of general circulation and supersedes Administrative Order No. 05, Series of 1992 and all other orders, memoranda, circulars and issuances, or portions thereof inconsistent with it.

Diliman, Quezon City. AUGUST 26 1997.


ERNESTO D. GARILAO
Secretary

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

1. MALAYA
2. THE PHILIPPINE STAR

Date of Publication - September 2, 1997

CARP FORM NO. 1: LETTER OFFER (FOR VOS ONLY)

Address: _____

Date: _____

The Honorable Secretary
Department of Agrarian Reform
Diliman, Quezon city
(Thru Channels)

Sir:

In support of the Comprehensive Agrarian Reform Program of the government, I have the honor to voluntarily offer to sell to the Republic of the Philippines my land, including the improvements thereon, described as follows:

OCT/TCT No. _____ Total Area Per Title/TD _____
Tax Dec/No. _____ Area Offered _____
Lot No./Survey No. _____
Location _____

I hereby declare that the land is productive and suitable to agricultural production. My offered prices are as follows:

Land (including crops) ₱ _____ / Ha or a total amount of ₱ _____
Improvements (non-crop such as mills, bodega, etc) ₱ _____

May I likewise inform you, that:

- I am exercising my right of retention to the extent of _____ hectares including award to my children subject to the requirements of Section 6 of R.A. No. 6657
- I am not exercising my right of retention.

I have been informed of and fully comprehend the terms and conditions as provided for by law and applicable guidelines for this voluntary offer. In view hereof, I hereby authorize the DAR, LBP, DENR and BARC, and other representatives to enter my property for purposes of inspection, verification, studies and evaluation and to undertake the survey and other processes leading to the redistribution of the property to qualified beneficiaries. I also authorize them to take immediate possession of my land described above after the LBP has paid me or has deposited the payment (cash and bond) in my name.

I am attaching the following requirements/documents in support of my property being offered for sale:

1. Certified copy of OCT/TCT (for titled property);
2. Certified copy of tax declaration (for untitled property); and
3. Copy of the approved survey plan of the property.

Very truly yours,

Name and Signature of Landowner
or Authorized Representative

CONFORME: SPOUSE/CO-OWNER(S)
(if applicable)

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES
PROVINCE OF _____
CITY/MUNICIPALITY OF _____

Before me, this day of _____ personally appeared:

<u>Name</u>	<u>Res. Cert. No.</u>	<u>Date and Place of Issue</u>
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Landowner or his authorized
representative

known to me and to me known to be the same person who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed and that of the person he/she represents (in case the party is a landowner's authorized representative).

This instrument consists of three pages including the page on which acknowledgment is written and has been signed by the party concerned.

In WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this _____ day of _____, 19 _____, at _____, Philippines.

Notary Public
My commission expires Dec. 31, 19_____
P.T.R. _____

Doc. No. _____
Page No. _____
Book No. _____
Series of _____