



ADMINISTRATIVE ORDER NO. 05  
Series of 1992

SUBJECT : CLARIFICATORY GUIDELINES AND AMENDMENTS TO  
ADMINISTRATIVE ORDER NO. 9, SERIES OF 1990

I. PREFATORY STATEMENT

Administrative Order No. 9, Series of 1990, embodies the guidelines for land acquisition schemes --- Voluntary Offer to Sell (VOS) and Compulsory Acquisition (CA) --- under the Comprehensive Agrarian Reform Law.

These guidelines need clarification and revision in order to properly address present realities and policy issues and questions pertaining to withdrawal of VOS and lifting of Notices of Acquisition previously issued to landowners concerned.

II. GOVERNING RULES

A. The DAR may allow the withdrawal of voluntary offers to sell in the following instances:

1. The portion subject of VOS withdrawal is part of the landowner's retained area of not more than five (5) hectares and provided no payment has been made to the offeror/landowner;
2. The VOS is being withdrawn to wait for compulsory coverage under Phase III-A (starting June 1992) or Phase III-B (June 1994), provided that the Notice of Valuation for the offered property has not been served to the offeror/landowner;
3. The VOS withdrawal is designed to shift the mode of acquisition and compensation through the Voluntary Land Transfer/Direct Payment Scheme (VLT/DPS); and

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

1. The landholding is not suitable for agriculture, or is undeveloped and has a slope more than eighteen (18%) percent, pursuant to the Joint Memorandum Circular of the DAR-LBP-DENR-DA, dated 27 January 1992;

2. There are no takers or agrarian reform beneficiaries (ARBs) of the land for valid reasons (e.g., peace and order situation prevailing in the area), 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 lift a Notice of Acquisition 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 thereafter be followed. This does not preclude, however, the DAR from issuing another Notice of Acquisition on the same areas in the future should the DAR find justifiable conditions to warrant such issuance.

### 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 Acquisition over his landholding lifted, stating the reason(s) for such request.
  - B. The MARO, upon receipt of the request, shall conduct 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 own recommendations to the Regional Director within five (5) days from receipt of the MARO's report.
  - D. Except those cases falling under II.C above, the Regional Director shall approve or disapprove applications for VOS withdrawal covering lands less than ten hectares in size per landowner. He shall give a copy of his decisions made on such applications to



the Office of the Secretary (attention: Undersecretary for FOG/ and the PARO and the MARO concerned.

On the other hand, for grounds mentioned in II.B above, 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 own recommendations, to the Office of the Secretary (attention: Undersecretary for Field Operations).

The Regional Director shall perform his duties above within 10 days from receipt of the required documents.

- E. The Undersecretary for Field Operations shall approve or disapprove applications for VOS withdrawal or lifting of Notice of Acquisition involving lands less than 100 hectares in size. The Undersecretary is given 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 Acquisition for lands 100 hectares and above in size.
- G. In all cases, the DAR central and/or regional legal offices/units, as the case may be, shall review and evaluate all VOS withdrawal applications before the same shall be approved or disapproved by the concerned DAR authority. These legal units shall perform the function within 10 days from receipt of the VOS withdrawal applications provided all the required documents are complete.

#### IV. EFFECTIVITY AND REPEALING CLAUSE

This Administrative Order shall take effect ten (10) days after its publication in two (2) national newspapers of general circulation. It amends or revokes all previous orders, memoranda, circulars and issuances, or portions thereof inconsistent with it.

Diliman, Quezon City 6 April, 1992

  
BENJAMIN L. LEONG  
Secretary