



ADMINISTRATIVE ORDER NO. 03
Series of 1993

SUBJECT: RULES AND PROCEDURES GOVERNING THE ISSUANCE OF COLLECTIVE CLOAs AND SUBSEQUENT ISSUANCE OF INDIVIDUAL TITLES TO CO-OWNERS

I. PREFATORY STATEMENT

The option to select a collective Certificate of Land Ownership Award (CLOA) may be exercised by the Agrarian Reform Beneficiaries (ARBs) pursuant to Section 25, RA 6657, which specifies the following types of collective CLOAs: (1) on co-ownership basis; (2) farmers' cooperatives; and (3) some other forms of farmers' collective organization.

The DAR may also opt to issue a collective Certificate of Land Ownership Award in case it is not economically feasible and sound to divide the land among the worker-beneficiaries, pursuant to Section 29 of RA 6657.

II. COVERAGE

These rules shall cover all private agricultural lands, public lands within proclaimed DAR settlement projects and those lands turned over to the DAR by other government agencies and institutions pursuant to Executive Order No. 407, as amended by Executive Order No. 448.

III. POLICY STATEMENTS

A. Collective CLOAs shall be issued to Agrarian Reform Cooperatives or Farmers' Associations to include the names of the individual members as co-owners to protect their interests. Where no such cooperative or association exists at the time of coverage and acquisition, its formation shall be encouraged, preferably with assistance from non-government organizations (NGOs).

B. Where the CLOA cannot be issued in the name of the cooperative or farmers' association, a collective CLOA on co-ownership basis shall instead be issued immediately to the agrarian reform beneficiaries, indicating the approximate area actually occupied by each ARB.

C. Collective co-ownership CLOAs may be issued to cover any CARPable lands whether private lands or for public lands within proclaimed DAR settlement projects or public lands turned over to the DAR by other government agencies and institutions pursuant to E.O. No. 407, as amended by E.O. No. 448.

D. The total area that may be awarded under a collective CLOA shall not exceed the total number of co-owners, or members of the cooperative or collective organization multiplied by the award limit of three (3) hectares except in meritorious cases as determined by the PARC, pursuant to Section 25 of RA 6657.

E. Lands covered by collective CLOAs on a co-ownership basis shall be subdivided in accordance with the actual occupancy of the ARBs, provided it does not exceed three hectares. Landholdings covered by CLOAs in the name of a cooperative or farmers' association may, at the option of the organization, also be subdivided based on the share of each member

defined in Section III-A above provided that the subdivision as determined by the DAR shall be economically feasible.

F. Within 10 years from the issuance of a collective CLOA, the DAR shall retain the option to generate the individual CLOAs in the name of the ARBs based on their request and the approved subdivision plan of the landholding and supported by the Deed of Partition executed by all co-owners named in the collective CLOA.

G. In all cases of subdivided collective CLOAs, the subsequent individual CLOAs to be generated by the DAR for each co-owner shall be on Transfer Certificate of Title (TCT) CLOA Forms to be subsequently registered with the Office of the Register of Deeds (ROD) concerned.

H. If the ten-year restriction on alienation under Section 27 of RA 6657 has already elapsed, then issuance of individual certificates of title shall already be subject to the procedures and requirements of the Land Registration Authority (LRA) pursuant to the Land Registration Decree (PD 1529).

I. The ten-year restriction on the conveyance of lands acquired by ARBs under RA 6657 shall be reckoned from the date of the issuance of the collective CLOA.

IV. PROCEDURES

A. For the DAR

1. On Generation:

Ensure that the names of the cooperative or the association and their individual members are properly annotated at the back of the collective CLOA to protect the farmer-member from possible summary and unjust separation by the cooperative or association, and that the fractional share of each ARB shall be specified opposite their names.

2. On Distribution:

The procedures outlined in A.O. No. 9, series of 1989 and A.O. Nos. 3 and 10, series of 1990, as the case may be, shall be followed.

3. On the subdivision of landholdings previously covered by collective CLOAs on co-ownership basis:

PARO:

- a. Any of the co-owners shall submit to the PARO, through channel, a written request for the subdivision of the land covered by the collective CLOA on co-ownership.
- b. The PARO shall indorse the request for subdivision to the DARRO for bidding and award to private contractors or the DAR itself may instead execute the subdivision survey of the target landholdings.

DARRO:

- a. The DARRO shall bid and award the survey to private contractors or cause the survey by administration if DAR Survey teams are available.
- b. The survey returns shall be submitted to the DENR for verification and approval.
- c. The approved subdivision plan shall be submitted to the PARO.

PARO:

- a. Prepare a Deed of Partition for the signature of all the co-owners, specifying the lot number and the exact area of each parcel intended for the co-owner concerned, based on the approved subdivision plan. The Deed of Partition shall be duly notarized.
- b. Retrieve the owner's duplicate certificate of title of the collective CLOA from the ARBs who received copies thereof, for the concomitant cancellation by the ROD.
- c. Generate individual TCT-CLOAs for each co-owner based on the approved subdivision plan and the duly notarized Deed of Partition. Use Judicial Form No. 140-A for private agricultural lands and Judicial Form No. 109-A for DAR Landed Estates. For Settlements, use Judicial Form No. 140-A, but add the condition: (x) subject to Sections 109 to 114, inclusive, C.A. 141, as amended, example attached.
- d. Transmit the CLOAs, the Deed of Partition, and approved subdivision plan to the Register of Deeds concerned for registration. The owner's duplicate certificate of title of the collective CLOA shall be surrendered to the ROD for cancellation.
- e. Record the registered CLOAs and transmit the same to the MARO for redistribution to the individual co-owners.

B. For the DENR

The DENR-LMS shall verify and approve the subdivision survey and thereafter furnish DAR with copies of the approved subdivision plan.

C. For the ROD:

The ROD concerned shall cancel the collective CLOA and register the individual CLOAs after reviewing them. Thereafter, he shall keep the original certificates in his files and transmit the owner's duplicate certificates to the PARO concerned for record and subsequent distribution to the individual ARBs.

V. REPORTING AND MONITORING

Landholdings covered by collective CLOAs already reported as an accomplishment by the DAR field office concerned and subsequently subdivided and issued individual CLOAs to the owners under this Order, shall be reported and monitored separately in the monthly reporting of the field offices.

Activities falling within the scope of this Order shall henceforth be included in the program of the DAR offices concerned for proper funding.

VI. EFFECTIVITY

All previously issued Orders inconsistent herewith are hereby amended, modified or revoked accordingly. This order takes effect ten (10) days after its publication in two (2) national newspapers of general circulation.

Diliman, Quezon City, 16 April 1993.


ERNESTO D. GARILAO
Secretary 