



ADMINISTRATIVE ORDER NO. 9
Series of 1993

SUBJECT: RULES AND REGULATIONS GOVERNING THE EXCLUSION OF AGRICULTURAL LANDS USED FOR LIVESTOCK, POULTRY AND SWINE RAISING FROM THE COVERAGE OF THE COMPREHENSIVE AGRARIAN REFORM PROGRAM (CARP).

I. PREFATORY STATEMENT

In the case entitled "Luz Farms versus The Honorable Secretary of the Department of Agrarian Reform (DAR)" (G.R. No. 86889, 04 December 1990), the Supreme Court held that lands devoted to the raising of livestock, poultry and swine are excluded from the coverage of R.A. No. 6657. Following the said decision, numerous reports have been received that some landowners had taken steps to convert their agricultural lands to livestock, poultry and swine raising.

In order to prevent circumvention of the Comprehensive Agrarian Reform Program and to protect the rights of the agrarian reform beneficiaries, specifically against their possible unlawful ejection due to the unauthorized change or conversion or fraudulent declaration of areas actually, directly, and exclusively used for livestock, poultry and swine raising purposes, the following rules and regulations are hereby prescribed for the guidance of all concerned.

II. DEFINITION OF TERMS

- Livestock - domestic animals kept for farm purposes, especially marketable animals such as cattle, horses, carabaos, sheep and goats.
- Poultry - domesticated birds that serve as a source of eggs or meat such as chicken, turkey, duck, geese, pigeons, and quail.
- Swine - any of various animals that constitute the family guidae and comprise stoutbodied, short-legged omnivorous mammals with a thick skin usually covered with coarse bristles, a rather long mobile snout, and a small tail.
- Grazing - the method of feeding animals by allowing them in the field to eat grass.

- Agricultural lands - for purposes of these rules, refer to lands that are exclusively, directly and actually used for livestock, poultry, and swine raising based on ratios provided in Section III-B hereof.
- Infrastructure - buildings and structures such as poultry houses, breeding houses, furrowing pens, calving houses, feed storage, corrals, dikes, embankments, gates, paved lot, electrical installations, and other physical facilities, equipment and improvements.

III. POLICY STATEMENT

- A. Private agricultural lands or portions thereof exclusively, directly and actually used for livestock, poultry and swine raising as of 15 June 1988 shall be excluded from the coverage of CARP.
- B. In determining the areas qualified for exclusion under this Administrative Order, the following ratios of land, livestock, poultry, and swine raising shall be adopted:
- 1.0 Grazing
- 1.1 Cattle, Carabao and Horse Raising
- cattle, carabao and horses (regardless of age) - the maximum ratio is one (1) head to one (1) hectare.
- 1.2 Sheep and Goat Raising
- sheep and goat (regardless of age)- the maximum ratio is seven (7) heads to one (1) hectare.
- 2.0 Infrastructure
- 2.1 Cattle, Horses and Carabao Raising - a ratio of 21 heads for every 1.7815 hectares of infrastructure (Annex A)
- 2.2 Swine Raising - a ratio of 21 heads of hogs for every 0.5126 hectare of infrastructure (Annex A)

- 2.3 Sheep and Goat Raising - a ratio of 147 heads for every 0.7205 hectare of infrastructure. (Annex A)
 - 2.4 Poultry Raising - a ratio of 500 layers for every 0.53 hectare of infrastructure or 1,000 broilers for every 1.428 hectares of infrastructure. (Annex E)
- C. Any act of a landowner to change or convert his agricultural land to livestock, poultry and swine raising after 15 June 1988, with the intent to avoid the application of R.A. No. 6657 to his landholdings, shall be considered invalid and illegal and shall not affect the coverage of his landholding under CARP. Conversion of crop lands to livestock, poultry and swine raising after the effectivity of this Administrative Order shall be governed by DAR Administrative Order Nos. 1 and 2, Series of 1990.

However, in lieu of Documentary Requirement Nos. 5 and 6 under Section VI of said Administrative Order No. 1-90, i.e., Certification from the Department of Agriculture (DA) or Housing Land Use Regulatory Board (HLURB) respectively, the consent of Agrarian Reform Beneficiaries and/or their waiver of rights, and a certification from the Regional Director of the DA that the poultry, livestock or swine project is of greater economic value than the present agricultural usage, shall be required.

- D. The MARO shall conduct a continuing review and verification of excluded lands to ascertain which of the areas or portions thereof are no longer used for livestock, poultry and swine raising purposes. If the area or portion thereof is no longer used for livestock, poultry and swine raising the area or portion involved shall automatically revert to the category of agricultural land, and shall be covered under CARP pursuant to A.O. No. 9, Series of 1990, as amended by A.O. No. 1, Series of 1992, on land acquisition and distribution, and Section V of this Administrative Order.

IV. OPERATING PROCEDURES

A. PROVINCIAL AGRARIAN REFORM OFFICER (PARO)

1. Accept written application for land exclusion (Exc. Form No. 1, Annex - C). Said application shall be accompanied by the following:

- ownership documents and other muniments of title such as Original Certificate of Title or Transfer Certificate of Title (OCT/TCT);
 - evidence to support application for exclusion under Section III-B of this Administrative Order;
 - certified true copy of business permit issued by the concerned government agencies, or proof of ownership of livestock, poultry and swine;
 - certified true copies of Individual Income Tax Returns (BIR Form No. 1701-A) or Corporate Income Tax Returns (BIR Form No. 1702) covering calendar years 1987 to present;
 - certified true copy of the Certificate of Registration issued by the Securities and Exchange Commission if applicant is a corporation;
 - location plan of the property; and
 - sketch plan of the area indicating the improvements and other facilities existing therein (e.g., infrastructure, pasture paddock) to include description of the kind of improvement whether constructed with strong or light materials and the date constructed.
2. Upon receipt of the application, conduct with the assistance of the BARC, the Municipal Agrarian Reform Officer, the Municipal Livestock Inspector, and a livestock/poultry and swine specialist of the Department of Agriculture (DA), an investigation of the land to determine, among others, the ownership, legal status, type and area of the land sought to be excluded (Exc. Form No. 2, Annex - D).
 3. Ascertain whether the area has been devoted to livestock, poultry and swine raising as of 15 June 1988.
 4. Determine the areas actually used for infrastructure and grazing purposes, pursuant to Section III-B of this Administrative Order.

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5. Prepare report of findings and recommendations, and complete all the procedures enumerated above within 30 days from receipt of application (Exc. Form No. 3 Annex - E).
6. Compile all relevant documents to form the Application for Land Exclusion Folder (ALEF), and transmit the same to the Regional Director (Use Exclusion Form No. 4 Annex - F).

B. REGIONAL DIRECTOR (RD)

Undertake final review and evaluation of the ALEF within ten (10) working days from receipt thereof from the PARO, and if in order, prepare an Order of Exclusion or Denial and sign the same, otherwise, return ALEF to PARO for further action.

The Regional Director is allowed a maximum variance of ten percent of the computed area for exclusion, based on the ratios herein enumerated, as long as the variance is reasonable and justifiable.

Any recommendation for exclusion of an area more than the ten percent variance shall be approved by the Secretary.

The Regional Director shall furnish copies of all orders issued to applicants for exclusion, or denial of the same to the Undersecretary of Field Operation and Support Services for monitoring purposes.

V. REVIEW AND REVISION/REVOCAION OF EXCLUSION ORDER

The Office of the Undersecretary for Field Operations shall monitor through reports of the MARO's, cases wherein the bases for which exclusions were granted no longer exist. He shall recommend the revision or revocation of the Certificate of Exclusion as the case may be, thereby automatically reverting the subject land or portion thereof to the category of agricultural land covered under CARP. The Secretary shall declare that the subject land is no longer used for the purpose.

VI. SANCTION

Any person who knowingly or willfully violates or prevents the implementation of these rules and regulations, shall be liable under Section 74 of R.A. No. 8657 and other penalties provided for by law. If the offender is a corporation or association, the officer responsible therefore shall be criminally liable.

All parties concerned are advised to report such cases to the Municipal Agrarian Reform Office covering the area or to any office of the DAR for proper action.

VII. TRANSITORY PROVISION

All landowners who have effectively converted their landholdings to poultry, livestock or swine raising after June 15, 1988 and before the effectivity of the rules shall immediately apply for the necessary exclusion order from the DAR, pursuant to Section IV of this administrative order.

VIII. EFFECTIVITY

This Administrative Order shall take effect ten (10) days after its publication in two (2) national newspapers of general circulation.

All other orders, circulars, memoranda, rules and regulations inconsistent herewith are hereby revoked, amended or modified, as the case may be.

Diliman, Quezon City, *December 27,* 1993.


- ERNESTO D. GARILAO
Secretary

fn:livstck3/LEVI
11/22/93-acd

INFRASTRUCTURE REQUIREMENTS

PARTICULARS	FLOOR AREA REQUIRED PER HEAD (SQ. M.) (2)	FLOOR AREA REQUIREMENT (HA.) (3)	OTHER FACILITIES (HA.) (4)	PASTURE PADDOCK (HA.) (5)	TOTAL AREA REQUIRED PER SPECIFIED MINIMUM HEADS (6)
Cattle/Horses/Carabass (minimum of 21 heads)	-1/ 15	0.0315	0.75	1.0	1.7815
Hogs (minimum of 21 heads)	-2/ 6.0	0.013	0.50		0.513
Sheep and goat (minimum of 147 heads)	-3/ 1.5	0.2205	0.50		0.7205

-1/ Other Facilities - In cattle raising, other facilities include shade or barn, feed storage, corrals, dikes, gates, drainage, embankments, water pump and tanks.

-2/ Other Facilities - In swine raising, other facilities include farrowing houses/stalls, gilt/dry gestation house, boar house, weaning house, growing/fattening house, isolation house, and warehouse.

-3/ Other Facilities - In sheep and goat raising, these include goathouses, water pump and tank, feeding troughs, gates, fences and corrals.

Pasture Paddock - is a fenced area or corral where livestock are temporarily kept while they are resting (before they are put to graze) or while on display.

INFRASTRUCTURE REQUIREMENT FOR POULTRY

PARTICULARS	FLOOR AREA REQUIRED PER BIRD (1)	FLOOR AREA REQUIREMENT (HAS.)		OTHER FACILITIES (HA.) (5)	TOTAL AREA REQUIREMENT (HAS.)	
		PER 500 BIRDS (LAYER) (3)	PER 1,000 BIRDS (BROILER) (4)		PER 500 BIRDS (LAYER) (6)	PER 1,000 BIRDS (BROILER) (7)
Layers	60 sq. cm.	0.03		0.50	0.53	
Broiler	928 sq. cm.		0.928	0.50		1.428

Other Facilities - In poultry, these include poultry houses, brooders, feeding troughs or feeders, waterer and water pump, feed cart, feed mixer, dung pit, and feed storage.

Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM
Quezon City

APPLICATION FOR EXCLUSION

(Date)

The Secretary
Department of Agrarian Reform
Diliman, Quezon City

THRU: The MARO

S i r:

Pursuant to the decision of the Supreme Court in the case entitled "Luz Farms Versus The Honorable Secretary of the Department of Agrarian Reform" (G.R. No. 86889, 04 December 1990), may I/we request your good office to declare my/our landholding/s, as stated hereunder, excluded from the Land Distribution Program under the Comprehensive Agrarian Reform Law (CARL) for the following reason/s:

My/our property/ies has/have a total area of _____
hectares located at Barangay/s _____
Municipality/City of _____, Province of _____.

Attached is/are the ownership document/s and other muniments of title of the aforementioned landholding/s together with other requirements, supporting this request for exclusion:

- Certified true copy of the Original Certificate of Title (OCT)
- Certified true copy of the Transfer Certificate of Title (TCT)
- Certified true copy of Tax Declaration (if the property is untitled)

Evidence supporting application for exclusion based on the criteria provided under Sections III-B and III-C of this Administrative Order -

Example: Certified true copy of the Registration of Individual Large Cattle indicating marking of each animal (cow, carabao, or horse)

Certified true copy of business permit issued by the concerned government agency;

Certified true copy of Individual Income Tax Return (BIR Form No. 1701-A);

Corporate Income Tax Return (BIR Form No. 1702 if applicant is a corporation);

_____ 1987; _____ 1988; _____ 1989;
_____ 1990; _____ 1991; _____ 1992; _____ 19__

Certified true copy of the Certificate of Registration issued by the Securities and Exchange Commission (if applicant is a corporation);

Location plan of the property;

Sketch plan of the area indicating the improvements and infrastructures therein, whether constructed with strong or light materials and date constructed.

Strong materials (describe) _____
_____ date constructed _____ 19 _____.

Light materials (describe) _____
_____ date constructed _____ 19 _____.

Others (specify) _____
_____ date constructed _____ 19 _____.

Very truly yours,

(Name and signature of Applicant)

Exc. Form No. 2

Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM

INVESTIGATION REPORT
(Exclusion)

A. Landowner: _____ Address: _____
Representative/Manager/Agent: _____
Address: _____

B. 1. Title No./s _____ 5. Location:
2. Tax Declaration No. _____ a. Ergy. _____
3. Lot/Survey No./s _____ b. Mun./City _____
4. Area (has) _____ c. Province _____

C. Legal Status:

() Absolute Owner

() Co-owner

D. Property Acquired Through:

() Purchase

() Exchange

() Others (Specify) _____

Total Area Per Title

Title No.	Area
1. _____	Area (has.) _____
2. _____	Area (has.) _____
3. _____	Area (has.) _____

Date Acquired (if applicable) _____

Registered Owner/s: (If deceased, indicate name of heirs)

OWNER	HEIRS
_____	_____
_____	_____
_____	_____

E.	Actual Land Use	No. of Animal heads/birds	Actual Area (has.) used for grazing	Approximate Area used for infrastructure	Topography
1.	<input checked="" type="checkbox"/> Livestock				
1.1	<input checked="" type="checkbox"/> cattle	_____	_____	_____	_____
1.2	<input checked="" type="checkbox"/> Horse	_____	_____	_____	_____

- 1.3 Carabao _____
- 2. Goat _____
- Sheep _____
- 3. Swine _____
- 4. Poultry _____
- 4.1 layers _____
- 4.2 broilers _____

F. Other Land Uses

Agriculture

Crops Planted	No. of Has.	No. of Tenants	No. of FWS
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Others (specify) _____

G. Improvements and Infrastructures. Describe the kind of improvements and infrastructures whether constructed with strong or light materials and indicate the date constructed.

(Specify) _____

H. Findings:

I: Comments/Remarks/Recommendations:

I hereby certify that the findings contained in this report are based on an ocular inspection of the subject property and actual examination of pertinent documents and that the same are true and correct to the best of my knowledge.

(Name and Signature of the MARO)

Date: _____

(Name and Signature of BARC Member)

fn:exform.1/liveli

Excl. Form No. 3

DateREPORT OF FINDINGS AND RECOMMENDATIONS

Based on the field investigation conducted on the premises, the findings are as follow:

1. The land or portion thereof, consisting of _____ hectares, more or less, is devoted to _____, as described in the Investigation Report Form No. 2.
2. The registered owner (s) of the land is/are _____ and _____.
3. The area is devoted to the raising of _____ heads/birds of _____, with _____ hectares used for grazing and _____ hectares used for infrastructure.
4. The total number of animal heads is _____ cows, _____ swine, _____ layers, and _____ broilers.
5. The total area (i.e., infrastructure and grazing) to be excluded in this application for exclusion per computation, is _____ hectares.
6. Other remarks: _____

In view of the foregoing, the undersigned hereby recommends the approval/disapproval of the request for exclusion of the above-mentioned property.

(Name and Signature)
Municipal Agrarian Reform Officer