



Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM

MEMORANDUM CIRCULAR NO. 11
Series of 2013

SUBJECT: Addendum and clarifications to some provisions in MEMORANDUM CIRCULAR No. 8,
Series of 2010

In order to clarify the requirements of Land Acquisition and Distribution –Technical Review Committee (LAD-TRC) in processing the requests of different DARPOs thru the PARCCOMs, to include and deduct certain landholdings from the official CARPER LAD Balance, this Memorandum Circular is issued to supplement and clarify selected provisions under DAR Memorandum Circular No. 8, Series of 2010 entitled *Guidelines in the Treatment, Use, and Updating of the PARC Execom-Approved CARPER Land Acquisition and Distribution (LAD) Balance*.

I. INCLUSION OF ADDITIONAL LANDHOLDINGS

Additional landholdings is defined in Section II of MC 8, S. 2010 as follows:

“Additional landholdings refer to the agricultural landholdings which were not included in the PARC ExeCom-approved CARPER LAD balance but whose landownership documents have been secured and validated after the approval of the said LAD balance to merit its inclusion in the said balance through the updating procedures described herein. These can be categorized into three: (1) distributed LHs from July 1, 2009 until the effectivity of this MC, (2) targeted for distribution during the remaining period of the current year, and (3) those for acquisition and distribution in the succeeding year/s”.

In providing the DAR field offices and PARCCOMs sufficient bases in deciding which landholdings are valid or not valid to be included in the LAD Balance, the following table presents the list of required documents or instruments according to the mode of acquisition or type of landholdings is presented:

MODE OF ACQUISITION/ LAND TYPE	TITLED PROPERTIES	UNTITLED PROPERTIES
Compulsory Acquisition	<ul style="list-style-type: none">• NOC,• Title	<ul style="list-style-type: none">• NOC,• Tax Declaration,• Approved Survey Plan• Certification from DENR-CENRO/PENRO as to land classification, and turn-over documents from RED• LRA Certification that the property does not overlap with decreed or titled property
Voluntary Offer To Sell	<ul style="list-style-type: none">• Letter Offer,• Title	<ul style="list-style-type: none">• Letter Offer,• Tax Declaration• Certification from DENR-CENRO/PENRO as to land classification, and

		turn-over documents from RED <ul style="list-style-type: none"> • LRA Certification that the property does not overlap with decreed or titled property
Voluntary Land Transfer	<ul style="list-style-type: none"> • Application for VLT (Received by DAR before July 1, 2009), • Title 	<ul style="list-style-type: none"> • Application for VLT (Dated before July 1, 2009), • Tax Declaration , • Approved Survey Plan (From LO) • Certification from DENR-CENRO/PENRO as to land classification, and turn-over documents from RED • LRA Certification that the property does not overlap with decreed or titled property
GFI-Foreclosed Properties	<ul style="list-style-type: none"> • Foreclosure Order (Issued before the effectivity of EO 407) • DOT (GFI to DAR), • Title 	<ul style="list-style-type: none"> • Foreclosure order (Issued before the effectivity of EO 407) • DOT (GFI to DAR), • Tax Declaration, • Approved Survey Plan (From LO)
Landed Estates Administered By Dar	Deed of Sale from LO to DAR	N/A
Settlement Projects		Proclamation Document
GOL Areas	Deed of Transfer (EO 448)	•
Proc. 2282/KKK		<ul style="list-style-type: none"> • Certification from PARO/GE that the parcel is within Proc. 2282 • CENRO Certification that the parcel was classified as A & D prior to March 29, 1983 (MC 7, S. 1993)

Note: All documents required by the LAD-TRC are photocopies. **DO NOT** submit original documents. In case there are additional documents required, the LAD-TRC will issue memorandum-request to concerned officials to submit the required documents or request the physical presence of the officials concerned at DARCO to clarify issues with the committee.

Further, Section V.D of MC 8, S. 2010 provides:

“Updating of the CARPER File 1 LAD Balance at the DARCO/MIS. Upon receipt of the approved PARCCOM Resolution, the DARPO-PMEU shall forward an electronic copy of the encoded list of landholdings for data processing at the MIS”

To this end, MIS shall ascertain that the landholdings to be included are encoded in the LAD-CARPER Balance Database, and endorse the same to the BLAD for review. PARCCOM Resolution Numbers must be encoded in the appropriate column in the landholding database for quick referencing and validation. In case of non-submission of the electronic copy of the encoded list of landholdings with corresponding PARCCOM Resolution Number, the MIS shall call the attention of concerned PMEUs thru email or telephone.

II. TAGGING LANDHOLDINGS INCLUDED IN THE LAD CARPER BALANCE DATABASE AS “DEDUCTIBLES” OR “DEDUCTED”

Deductible Landholdings is defined in Section II of MC 8, S. 2010 as follows:

Deductible Landholding “refers to the agricultural landholdings which were included in the PARC ExeCom-approved CARPER LAD balance but have been found to be deductible during the Pre-OCI conducted by DARMO. The MARO shall recommend/request to this effect.”

The term “Landholdings for Deduction is likewise defined under the said Memorandum Circular, as follows:

Landholdings for deduction are those agricultural landholdings which are listed in the PARC ExeCom-approved CARPER LAD balance but have been found to be entirely excluded/exempted from the LAD component of the CARP as evidenced by final and executory decisions/orders from the appropriate government entity.

In this connection, Section V of MC 8, S. 2010 states,

“DARMO shall submit a memorandum to DARPO requesting for deduction of landholdings from the LAD Balance determined during the Pre-OCI activities. The supporting official documents of deductibles shall be attached.”

“The DARRO shall submit a memorandum to DARPO for deduction of landholdings from the LAD Balance with the supporting evidence/s of deduction (i.e., order of retention, exemption, exclusion, conversion)”.

From the foregoing, the said landholdings shall remain in the LAD CARPER Balance tagged as “deductibles”, unless supporting documents for deduction are submitted AND officially approved by the LAD TRC. To guide the concerned offices in the determination of the “supporting documents,” the list of valid reasons for deduction (with LAD CARPER Deduction Codes) and the documents required by the LAD-TRC to effect approval of the requests are hereby enumerated:

REASON FOR DEDUCTION	DEDUCTION Code	LAD-TRC REQUIRED DOCUMENTS	LEGAL BASES
Above 18% slope undeveloped	C01	<ul style="list-style-type: none"> • CENRO Certification that the whole landholding is located within an 18% Slope • MARO’s Certification that Landholding is Undeveloped before June 15, 1988 	<ul style="list-style-type: none"> • Section 10 RA 6657 as amended

Watershed; national park	C02	<ul style="list-style-type: none"> • CENRO Certification that whole landholding is within a watershed area and/or national park 	<ul style="list-style-type: none"> • Section 10 RA 6657 as amended
Timberland; unclassified public forest	C03	<ul style="list-style-type: none"> • CENRO Certification (for areas below 50 has.) or • PENRO certification (for areas 50 has. & above) 	<ul style="list-style-type: none"> • CA 141
Rivers; swampy	C04	<ul style="list-style-type: none"> • CENRO Certification that subject area is within swampy area or within the river 	<ul style="list-style-type: none"> • Section 10 RA 6657 as amended
Used for infrastructures	C05	<ul style="list-style-type: none"> • Tax Declaration issued before June 15, 1988 	<ul style="list-style-type: none"> • DOJ Opinion No 44
Eroded	C06	<ul style="list-style-type: none"> • DA/MAO Certification (for suitability) and • MARO's Certification 	<ul style="list-style-type: none"> • AO 3 S 2012
Silted; rocky	C07	<ul style="list-style-type: none"> • DA/MAO Certification (for suitability) • MARO's Certification 	<ul style="list-style-type: none"> • AO 3 S 2012
Zonified areas prior to 1988 except PD27 lands; built-up zone; industrial zone; residential area/homelots; school expansion	C08	<ul style="list-style-type: none"> • Deputized Zoning Administrator Certification; • Order of Conversion 	<ul style="list-style-type: none"> • DOJ Opinion No 44
Legally converted lands/With Order of Conversion	C09	<ul style="list-style-type: none"> • Order of Conversion with Finality 	<ul style="list-style-type: none"> • AO 1 2002
Illegally converted lands	C10	<ul style="list-style-type: none"> • Court Decision (otherwise, part of LAD Balance) 	<ul style="list-style-type: none"> • AO 1 2002
With Order of Retention	C11	<ul style="list-style-type: none"> • Order of Retention with Finality 	<ul style="list-style-type: none"> • AO 3 S 2003; AO 7 2011
With Order of Exemption/Exclusion; devoted to livestock; fishpond; quarrying zone; pasture land	C12	<ul style="list-style-type: none"> • Order of Exemption/Exclusion with Finality 	<ul style="list-style-type: none"> • DOJ OPINION 44 • Section 10 RA 6657 as amended
EO 407/448 landholdings found to be not coverable; for reconveyance	C13	<ul style="list-style-type: none"> • Deed of Reconveyance or Letter of Rescission 	<ul style="list-style-type: none"> • AO 9 S 1997 as amended
A & D lands classified after 1984 unless proclaimed as Settlement area or under litigation	C14	<ul style="list-style-type: none"> • Certification of CENRO/PENRO that the LH was classified as A & D on or before December 4, 1972 	<ul style="list-style-type: none"> • DAR-DENR Joint MC No. 2003-1
Road lots	C15	<ul style="list-style-type: none"> • Approved Survey Plan Indicating the subject lot 	<ul style="list-style-type: none"> • DOJ Opinion

		as "ROAD"	No 44
LO has manifested intention to exercise right of retention. Use this code if the subject LH is part of the aggregate LHs of a LO who has indicated to retain in the LO's Reply to NOC.	C16	<ul style="list-style-type: none"> Order of retention 	<ul style="list-style-type: none"> AO 3 s. 2003 AO 7 s. 2011
LO's died before 1988 and the heirs have submitted manifestation to file application for retention.	C18	<ul style="list-style-type: none"> LO's death certificate, Extra Judicial Settlement of Estates & Assessor's certification on the total aggregate area of the heir/s. 	<ul style="list-style-type: none"> AO 1, 1989 AO 3, S. 2003 AO 7, 2011
Cancelled titles prior to June 15, 1988. These refer to LHs which current and cancelled titles were both captured in the database.	C22	<ul style="list-style-type: none"> Copies of Titles (both the cancelled & active titles) 	<ul style="list-style-type: none"> AO 1, 1989 AO 3, S 2012
Lands for public use	C24	<ul style="list-style-type: none"> Deed of Conveyance 	<ul style="list-style-type: none"> RA 9700
Handog Titulo issued after June 15, 1988/Issued with Homestead Patent & original homesteader/heir is still the actual occupant/cultivator	C25	<ul style="list-style-type: none"> Copy of Title/patent issued after June 15, 1988; Copy of patent & MARO's certification 	<ul style="list-style-type: none"> AO 7 S. 2011
Untitled Private Agricultural Lands (UPALs) above 12 hectares	C27	<ul style="list-style-type: none"> For DOJ Opinion; Meantime, considered as under problematic until issue is finally resolved FOR CLARIFICATION BY SPECIAL TECHNICAL TEAM OF DAR AND DENR 	<ul style="list-style-type: none"> DOJ OPINION 100 S 2012
VLT 5 hectares and below disapproved by the Regional Director (RD)	C28	<ul style="list-style-type: none"> Order of Disapproval by RD 	<ul style="list-style-type: none"> AO 7, S 2011
Landholding cannot be located on the ground	C29	<ul style="list-style-type: none"> DENR certification as to the correct technical description; Assessor Certification as to the correct projection 	<ul style="list-style-type: none"> AO 3 S 2012

Moreover, landholdings can be tagged as "deducted" without the need of supporting document/proof under the following justifications, which the MIS shall validate:

C19	Distributed before CARPER (July 1, 2009)
C20/C21/C23	Duplicate record in LAD CARPER DATABASE (FOFILE 1)
C26	Aggregate landholdings with area 5 hectares and below

Important: **Entire** landholdings must be deducted, otherwise, landholdings will be subjected to the LAD Process and those portions to be deducted will be regarded as "non-carpable area" in the LAD CARPER database (Section II of MC 8, S 2010, Definition of terms: *Non-carpable areas*). As much as practicable, titled properties with more than one lot shall be processed under one claim or documentation folder.

Under this Memorandum Circular, the abovementioned requirements shall form part of the PARCCOM resolutions as supporting documents for requests for inclusion and/or deduction. For requests for deduction and/or inclusion already submitted to the LAD-TRC prior to this memorandum circular, the PAROs shall ensure that the supporting documents are authentic and validated and submitted to the LAD-TRC, copy furnished the PARCCOMs.

IV. EFFECTIVITY

This Memorandum Circular takes effect immediately and supersedes/amends other issuances inconsistent herewith.

APR 25 2013, Diliman Quezon City


VIRGILIO R. DE LOS REYES
Secretary

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Office of the Secretary



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