



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

MEMORANDUM CIRCULAR NO. 05
Series of 2014.

TO : All Officials and Personnel of the DAR and
Others Concerned

SUBJECT : Clarificatory Guidelines Governing the Acquisition of
Agricultural Lands Covered by Homestead Patents
Under the Comprehensive Agrarian Reform Program

I. Prefatory Statement

Republic Act (RA) No. 6657, otherwise known as the Comprehensive Agrarian Reform Law (CARL), as amended by RA No. 9700, covers all agricultural land regardless of tenurial arrangement and commodity produced.

Section 6 of RA No. 6657, as amended, provides that original homestead grantees or their direct compulsory heirs who still own the original homestead as of June 15, 1988 shall retain the same areas as long as they continue to cultivate said homestead. Further, it provides that in all cases, the security of tenure of the farmers or farmworkers on the land prior to June 15, 1988 shall be respected.

Moreover, Section 22 (Qualified Beneficiaries), paragraph 2 of RA No. 6657, as amended, contains the following proviso:

"XXX XXX XXX

Provided, however, that the children of landowners who are qualified under Section 6 of this Act shall be given preference in the distribution of the land of their parents; And provided further, that actual tenant-tillers in the landholding shall not be ejected or removed therefrom". (Emphasis supplied)

In view of the continuing and evolving concerns in the implementation of CARP, this Memorandum Circular (MC) is being issued to clarify and provide uniform documentation procedures in the acquisition and distribution of agricultural land covered by Homestead Patents under the CARP.

II. Applicability

This MC applies to agricultural landholdings (LHs) covered by Homestead Patents which were issued Notices of Coverage or Letters of Acceptance, as the case may be.

A handwritten signature in black ink, appearing to be a stylized name, located at the bottom right of the page.

III. Definition of Terms

For the purpose of this MC, the following terms are defined:

1. **Homestead**– refers to a grant of public land to persons seeking to establish and maintain agricultural homes on condition of actual, continuous, and personal occupancy of the area as a home including cultivation and improvement of the land (as defined in the DENR's Manual for Land Disposition).
2. **Homestead Patent (HP)** –is Deed of Conveyance issued by the government of the Philippines pursuant to Commonwealth Act No. 141 to a qualified Philippines citizen, over 18 years of age or the head of a family, who is not the owner of more than twenty-four (24) hectares of land in the Philippines, or has not had the benefit of any gratuitous allotment of more than twenty-four (24) hectares of land since the occupation of the Philippines by the United States.
3. **Original Grantee** – is the person who applied for and was awarded a homestead patent of Original Certificate of Title (OCT) over a parcel of public agricultural land.
4. **Direct Compulsory Heir** – refers to the surviving spouse, or the children and descendants, or illegitimate children of the original homestead grantee. In the absence of all the foregoing persons, the surviving parents of the original homestead grantee shall be considered as direct compulsory heir.

IV. Guidelines

1. As a matter of policy, agricultural LHs covered by Homestead Patents (HPs) can be acquired under CARP if the same are voluntarily offered for sale to the government for the distribution to qualified farmer beneficiaries.
2. However, LHs covered by HP can be acquired under CARP through compulsory acquisition if:
 - 2.1 the same is no longer owned or cultivated by the original grantee or his/her compulsory heirs; or
 - 2.2 the landowner (LO) or original grantees have already died or can no longer be found, and the direct compulsory heirs are also found not to be cultivating the land, nor are interested in farming, or no one among the heirs of the LO/original grantee can be found.

3. To strengthen the documentation of the land acquisition process, the following documents are required:

3.1 For LHs covered with HPs, and the LO or the original homestead grantee is no longer occupying the area but is still alive and has compulsory heirs, the LO grantee shall execute an Affidavit that he/she is not in the area and is no longer interested in tilling the land, and that his/her heir/s is/are not cultivating the same (HP Form No.1).

In the absence of the above, a Certification from the BARC or Barangay Chairperson that the LO or his compulsory heir/s is/are no longer in the area and/or not cultivating the land (HP Form No. 2) shall be needed.

3.2 For LHs with deceased LOs-Grantees with no known direct compulsory heirs:

1. Joint Affidavit of farmers that they are not related by blood to the LO-Grantee, and that they have been cultivating the area for a specific number of years (HP Affidavit Form No. 3); and

2. Certification from the BARC or Barangay Chairperson of their personal knowledge of the LO and the farmers presently tilling the land (HP Form No. 2).

3.3 For LHs with deceased LOs with known heirs:

1. Affidavit of Waiver of Rights of Heirs of Deceased LO-Grantee In Favor of tenant-Farmer/s (HP Form No. 4); and

2. Affidavit of Waiver of Rights of Heirs of Deceased LO-Grantee In Favor of Present Owner/Buyer (HP Form No. 5).

In the absence of the above, a Certification from the BARC or Barangay Chairperson that the heir/s of the deceased LO is/are not cultivating the land (HP Form No. 2) shall be required.

4. Thereafter, the land acquisition and distribution (LAD) process shall proceed pursuant to AO No. 7, Series of 2011, as amended, and other pertinent guidelines.

V. Suppletory Application

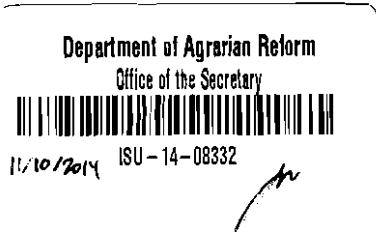
This MC supplements DAR MC No. 04, Series of 1991.

VI. Effectivity.

This MC takes effect immediately.

Diliman, Quezon City NOV 10 2014


VIRGILIO R. DE LOS REYES
Secretary



Republic of the Philippines)
Province of _____)S.S
Municipality/City of _____)
X ----- X

LANDOWNER'S AFFIDAVIT

I, (LO's name), of legal age, Filipino, single/married/widow/widower, and a resident of _____ under oath, hereby depose and say:

1. That I am the registered owner of a certain parcel of land embraced by Title No. _____ denominated as Lot No. _____, containing an area of _____ hectares and located at _____;
2. That I have never cultivated nor directly managed the above-mentioned parcel of land long before the effectivity of the Comprehensive Agrarian Reform Program (CARP) and up to present, due to the fact that the same is tilled or cultivated by my tenants/farmworkers/tillers;
3. That I have no interest and capability to cultivate or till said parcel of land for the fact that I presently live and have settled with my family in _____, where I have already established my source of living;
4. That due to my absence therein for a long time, I entrusted my landholding to my tenants/farmworkers/tillers to cultivate or till the same;
5. That I interpose no objection or opposition to the coverage of said parcel of land under the Comprehensive Agrarian Reform Program (CARP); and
6. That I execute this Affidavit to prove the foregoing facts.

IN WITNESS WHEREOF, I have hereunto affixed my signature this _____ day of _____, 20__ at _____, Philippines.

Signature Over Printed Name of Affiant

Certified by:

Witness:

Signature Over Printed Name of MARPO/PARPO

Signature Over Printed Name of Witness

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2014 in _____, Philippines. Affiant exhibiting to me his/her ID No. _____.

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

Notary Public

Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM
Region No. _____
Province of _____
Municipality of _____

CERTIFICATION
(BARC /Barangay Chairperson)

This is to certify that, the landholding (LH) described as follows:

OCT No. : _____;
Lot No. : _____;
Area : _____ has.
location : _____.

is owned and registered in the name of _____ (LO-grantee).

The subject LH was placed under the coverage of the Comprehensive Agrarian Reform Program (CARP). However, based on available records of the BARC/Barangay Chairperson and per validation with bonafide residents of the barangay, the LO-grantee or his/her/their compulsory heir/s is/are: (CHECK APPROPRIATE BOX/ES)

- 1. Not resident/s of the barangay.
- 2. Not cultivating the subject land.
- 3. LO-grantee died intestate and had no known heir/s in the locality, either in the direct ascending or in the collateral line.
- 4. The above LH is actually cultivated by the farmers/farmworkers/tillers long before the effectivity of CARP and up to the present.
- 5. That the farmer/s has no blood relation with the LO-grantee.
- 6. The heir/s of the deceased LO-grantee is/are not cultivating the land .

This Certification is issued to support the coverage of the LH under the CARP.

Done this _____ day of _____, 20_____.

Signature Over Printed Name
BARC/Barangay Chairperson
or Authorized Representative

Subscribed and Sworn to before me, this _____ day of _____, 20____, in _____, the certifying BARC/Barangay Council Chairman or authorized representative having presented to me his/her government-issued identification card _____.

Administering Officer

Doc. No. _____;
Page No. _____;
Book No. _____;
Series of 2014

Republic of the Philippines)
Province of _____)S.S
Municipality/City of _____)
X-----X

AFFIDAVIT OF NO BLOOD RELATIONS
(To be accomplished by each Farmer/Famworker)

I, _____, of legal age, Filipino, single/married/widow/widower, and a resident of _____, under oath, hereby depose and say:

1. That I am the farmer/farmworker of the landholding registered under the name of _____ embraced by Title No. _____, with Homestead Patent No. _____, denominated as Lot No. _____, containing an area of _____ hectares and located at _____;
2. That I have cultivated said parcel of land for _____ years already and until now I am still the one who cultivates the same;
3. That I have no relationship by blood with the landowner. I am a farmer of subject landholding;
4. That neither the late landowner nor his/her heirs, did set foot and personally cultivate or directly managed said parcel of land;
5. That I interpose no objection or opposition to the coverage of said parcel of land under the Comprehensive Agrarian Reform Program (CARP); and
6. That I execute this Affidavit to prove the foregoing facts.

IN WITNESS WHEREOF, I have hereunto affixed my signature this _____ day of _____, 20__ at _____, Philippines.

Signature Over Printed Name of Affiant
ID No. _____

Certified by:

Witness:

Signature Over Printed Name of MARPO/PARPO

Signature Over Printed Name of Witness

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2014 in _____, Philippines. Affiant exhibiting to me his/her government-issued ID No _____.

Doc. No. _____;

Page No. _____;

Book No. _____;

Series of _____;

Province of _____)S.S
Municipality/City of _____)
X-----X

AFFIDAVIT OF HEIR OF DECEASED LO-GRANTEE IN FAVOR OF FARMER/FARMWORKER
(To be accomplished by each Heir)

I, _____, of legal age, Filipino,
single/married/widow/widower; and a resident of
_____, under oath, hereby depose and say:

1. That I am the direct compulsory heir of _____, who died on _____ at _____;
2. That during his/her/their lifetime, he/she/they left to me a certain parcel/s of land embraced by OCT/TCT No. _____ with Homestead Patent No. _____, denominated as Lot No. _____, containing an area of _____ (has.), and located at _____.
3. That neither my deceased parent/s nor I, cultivate or till the above-mentioned parcel/s of land due to the fact that I am now _____;
4. That I have no interests or enthusiasms to cultivate said parcel/s of land at this moment and for the coming years;
5. That it is known to me that said parcel/s of land has/have been cultivated or tilled by my farmer/farmworkers/tillers since _____;
6. That I interpose no objection or opposition to the coverage of said landholding under the Comprehensive Agrarian Reform Program (CARP); and
7. That I am voluntarily executing this Affidavit to attest the foregoing facts.

IN WITNESS WHEREOF, I have hereunto affixed my signature this _____ day of _____, 20__ at _____, Philippines.

Signature of Affiant
ID No. _____

SUBSCRIBED AND SWORN to before me this ____ day of _____, 2014 at _____, Philippines.

Doc. No. _____;
Page No. _____;
Book No. _____;
Series of 2014.

Republic of the Philippines)
Province of _____)S.S
Municipality/City of _____)
X-----/

**AFFIDAVIT OF WAIVER OF RIGHTS OF HEIRS OF DECEASED LO-GRANTEE
IN FAVOR OF PRESENT OWNER/BUYER
(To be accomplished by each Heir)**

I, _____ (name of heir), of legal age, Filipino, single/married/widow/widower, and a resident of _____; under oath, hereby depose and say:

1. That I am the legal heir of the late _____, the registered owner of a certain parcel of land, embraced by OCT No. _____, denominated as Lot No. _____, containing an area of _____ hectares, and located at _____.
2. That during the lifetime of my deceased parent/s, neither he/she/they nor I, had cultivated nor tilled the above-mentioned parcel of land. Likewise, he/she/they sold or conveyed the same to a certain person named _____, who is now actually cultivating the same;
3. That I recognize (buyer) _____ as the owner of said parcel/s of land from the moment it was disposed in his/her favor and until now.
4. That he/she performs the duties and responsibilities of being an owner, and the obligation of paying taxes therefor;
5. That I hereby waive, cede, transfer, and relinquish all my rights and interests over said parcel of land in favor of _____ (buyer) due to the above-stated reasons;
6. That I interpose no objection of his/her ownership of said parcel/s of land; and
7. That I voluntarily execute this Affidavit to prove the foregoing facts and in support of the coverage of said landholding under CARP.

IN WITNESS WHEREOF, I have hereunto affixed my signature this ____ day of _____, 20__ at _____, Philippines.

Signature Over Printed Name of Affiant
ID No. _____

Certified by:

Witness:

Signature Over Printed Name of MARPO/PARPO

Signature Over Printed Name of Witness

SUBSCRIBED AND SWORN to before me this ____ day of _____, 2014 in _____
Philippines. Affiant exhibiting to me his/her ID Nos. _____.

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Page No. _____;
Book No. _____;
Series of 2014.