



Department of Agrarian Reform

Elliptical Road, Diliman
Quezon City



Land Registration Authority

East Avenue cor. NIA Road
Quezon City

JOINT DAR-LRA

MEMORANDUM CIRCULAR NO. 16

Series of 2004

**TO : ALL REGISTRARS OF DEEDS (RODs)
DAR REGIONAL DIRECTORS (RDs)
PROVINCIAL AGRARIAN REFORM OFFICERS (PAROs)
MUNICIPAL AGRARIAN REFORM OFFICERS (MAROs)
AND OTHERS CONCERNED**

**SUBJECT : STRENGTHENING THE SAFEGUARDS ON TRANSFER
OR CONVEYANCE OF AGRICULTURAL LANDS
COVERED BY CARP PURSUANT TO RA 6657**

Coverage of landholdings under the Comprehensive Agrarian Reform Program (CARP) depends to a large extent on the documentation being done by DAR field personnel and the availability of title/ownership documents sourced either from the landowner or the Registry of Deeds. Sometimes, the documentation process gets disrupted upon the discovery that the land ownership had been transferred to other persons by the current registered owners without the required clearance from the DAR.

Although DAR A.O. No. 1, Series of 1989, was issued to prevent such unauthorized transfers, cases of evading Sections 70 and 73 of RA 6657 had been reported, resulting in delays in the acquisition and distribution of CARP covered lands, lost man-hours and resources in litigation and the consequent loss of income to the intended beneficiaries.

To prevent further incidents of unauthorized or unlawful transfer of ownership of agricultural lands, the DAR and the LRA hereby jointly agree and direct the concerned DAR RDs/PAROs/MAROs and LRA RODs to implement this issuance as follows:

1. The MARO shall initiate the preliminary screening of the remaining landholdings intended to be acquired and distributed under the CARP, making sure that such landholdings are coverable under the program. Thereafter, the list of such landholdings shall be forwarded to the PARO for final review and subsequent transmittal to the ROD concerned.
2. The PARO carefully reviews the listing received from the MARO and prepares, if necessary, an amended/updated listing of all the landholdings found to be coverable under the CARP. He/she may also generate a listing of his own independent of the list coming from the MAROs.

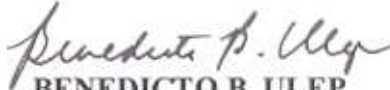
The updated list shall contain all remaining landholdings to be acquired, those in the process of acquisition and distribution and those still with incomplete documentation at the MARO level.

3. The aforesaid list shall be transmitted by the PARO to the ROD concerned using CARP Form No. 22 (see Annex 1) informing that the listed landholdings are subject to CARP coverage and requesting the segregation of the corresponding original copy of the certificate of title from the regular volume where it is filed.
4. Upon receipt of the list of landholdings from the PARO, the ROD shall immediately segregate the original copy of the title of each landholding from the regular files of the Registry, and provide a certified xerox/true copy in the volume where the title was extracted. The said original copy of the title shall then be compiled in a new separate volume (CARP Volume) until the customary number of titles constituting a regular volume is reached. This CARP Volume shall be treated as a restricted volume and any voluntary transaction on any of the titles included in this restricted file shall be subject to clearance in writing from the PARO pursuant to DAR A.O. No. 1, Series of 1989. Maintenance of the CARP volume shall be undertaken by the LRA-CARP personnel under the supervision of the ROD.
5. If the original title is not on file, efforts shall be exerted to locate said missing title. If said title is not located within one (1) month from receipt of the updated list, the ROD shall certify the loss which is a requirement for the filing of a reconstitution case in the proper court pursuant to DAR Memorandum Circular No. 05, Series of 1994, as concurred in by the LRA Administrator.
6. In case a title in the list received by the ROD from the PARO is found to be a cancelled title and for which two (2) or more derivative titles have been issued as a result of a transaction executed after 15 June 1988, then it shall be the responsibility of the ROD to report such fact to the PARO within same period provided in paragraph 4 hereof, furnishing the latter with certified xerox/true copies of such resultant titles.
7. Any title contained in the CARP Volume shall only be returned to the general/regular file upon proof that the property covered by said title is exempted, excluded or ascertained to be outside CARP coverage. Such proof may be in the form of a Court order or DAR order which has become final and executory. Any landowner (LO) or his duly authorized representative or real party-in-interest may also make formal written representations with the ROD copy furnished the PARO for the transfer of title to the regular file upon presentation of a copy of the DAR/Court Order which has become final and executory. The DAR through its PARO may motu proprio request the ROD to return the title to its regular file using CARP Form No. 23 (see Annex 2). In any case, the ROD shall notify the PARO of the return of the title to the regular file.

8. The RP title subsequently generated from a title on file in the CARP volume shall be retained in the said volume.
9. In case where only a portion of the title is covered, the said title shall be totally cancelled and new separate titles shall be issued in the name of the LO and RP corresponding to their respective shares upon submission of an approved/segregation plan. The title corresponding to LO's share shall be filed in the general file/regular volume.
10. In the case of the portion titled in the name of RP, the DAR shall proceed in accordance with paragraph 8 above.
11. Compliance by all concerned is hereby enjoined. Any violation of this joint Memorandum Circular by any DAR or LRA-ROD personnel shall be dealt with administratively without prejudice to their liability under Section 74 of R.A. 6657.

Diliman, Quezon City 10 August 2004.


JOSE MARI B. PONCE
OIC-Secretary, DAR


BENEDICTO B. ULEP
Administrator, LRA

Annex 1

CARP Form No. 22 **REQUEST TO SEGREGATE ORIGINAL COPY OF
LANDOWNER'S TITLE**

Date

MEMORANDUM

FOR : **The Registrar of Deeds**

SUBJECT : **Request to Segregate Original Copy of Landowner's Title on File
with the Registry of Deeds**

This refers to the attached list of agricultural landholdings covered by CARP and in various stages of documentation (landholdings acquired, in the pipeline and documentation still incomplete) located in the municipality/city of _____, province of _____.

Pursuant to the Joint DAR-LRA Circular No. ____, Series of 2004, it is requested that the Registrar of Deeds sort and segregate from the regular volume the Original copies of the landowners' Certificates of Title on file and transfer and compile the same in a separate and restricted volume (CARP Volume) to facilitate monitoring and control of transactions thereon.

May we further request that clearance in writing from the PARO be required before any transaction on any of the titles concerned is given due course as provided under Item 4 of aforesaid JMC.

Name & Signature
Provincial Agrarian Reform Officer

Copy Distribution :

Original - *ROD*
Duplicate - *LO*
Triplicate - *DARPO*
Quadruplicate - *DARMO*

CARP Form No. 23

**REQUEST FOR THE RETURN OF ORIGINAL COPY OF
LANDOWNER'S TITLE TO ITS REGULAR VOLUME**

Date

MEMORANDUM

FOR : The Register of Deeds

SUBJECT : **Request for the Return of Original Copy of Landowner's
Title on File with the Registry of Deeds to Its Regular Volume**

This refers to the agricultural land of _____
(Name of Landowner)
under OCT/TCT No. _____, with an area of _____ hectares and
located at _____, which has
been under the CARP Scope, issued a Notice of Coverage, and/or Notice of Land
Valuation and Acquisition pursuant to R.A. No. 6657 and which was compiled in the
restricted CARP Volume on file in your office.

May we request that the Original copy of the landowner's title be returned to its
regular volume because the land was ascertained to be exempted/excluded from CARP
coverage, and/or under retention (see attached copy of the approved Order).

(Name & Signature)
Provincial Agrarian Reform Officer

Copy Distribution :

Original - *ROD*
Duplicate - *LO*
Triplicate - *DARPO*
Quadruplicate - *DARMO*