



Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM

DAR MEMORANDUM CIRCULAR)
NO. 02)
SERIES OF 2001)

TO : Regional Directors
Provincial Agrarian Reform Officers
Municipal Agrarian Reform Officers
All Concerned

SUBJECT : GUIDELINES ON ANNULMENT OF DEEDS
OF CONVEYANCE OF LANDS COVERED BY
THE COMPREHENSIVE AGRARIAN REFORM
PROGRAM (CARP) EXECUTED IN
VIOLATION OF SECTION 6, PARAGRAPH 4
OF REPUBLIC ACT (RA) NO. 6657

Pursuant to Sections 6 and 7, Chapter 2, Book IV of Executive Order No. 229, also known as the Revised Administrative Code of 1987, and Section 49, RA 6657, or the Comprehensive Agrarian Reform Law (CARL) of 1988, the following guidelines are hereby promulgated:

SECTION 1. *Rationale* – Section 6, paragraph 4 of RA 6657 provides that all agricultural land transactions such as sale, disposition, lease, management contract, or transfer of possession executed prior to the CARL shall be valid only when registered with the Register of Deeds (ROD) within a period of three (3) months after effectivity of the said law. Furthermore, Land Registration Authority (LRA) Consulta No. 1875 provides that “failure to register a deed of sale executed before June 15, 1988 on or before September 13, 1988 or within three (3) months from the effectivity of R.A. No. 6657 renders the sale invalid and therefore not registrable.”

SEC. 2. *Statement of Policy* – It is the policy of DAR to acquire and distribute all lands covered by RA 6657 including those subject of illegal transfers.

SEC. 3. *Coverage* – These rules shall apply to lands subject of Compulsory Acquisition under DAR Administrative Order No. 2,

Series of 1996. Lands under Voluntary Offer to Sell (VOS) shall be governed by Department of Justice Opinion No. 41 (1992).

SEC. 4. *Operating Procedures* – The procedures for annulment of deeds of conveyance executed in violation of RA 6657 are as follows:

- a) The Municipal Agrarian Reform Officer (MARO) shall undertake the following:
 1. Secure certified true copy of certificate of title of the subject landholding, deed of conveyance from the Register of Deeds (ROD), and Certificate of Aggregate Landholdings from the Assessor's Office;
 2. Identify the names of the original landowner-transferor and the transferee and prepare a description of the land subject of illegal transfer; and
 3. Submit a report on the illegal transaction, together with all relevant documents to the Provincial Agrarian Reform Officer (PARO), through the Chief, Legal Division.

- b) The Chief, Legal Division, of the Provincial Agrarian Reform Office, shall have the following responsibilities:
 1. Upon receipt of the MARO report, determine whether or not there was illegal transfer of agricultural lands pursuant to Sec. 6, par. 4 of RA 6657;
 2. If there was illegal transfer, file a petition for annulment of the deed of conveyance in behalf of the PARO before the Provincial Agrarian Reform Adjudicator (PARAD). The petition shall state the material facts constituting the violation and pray for the issuance of an order from the PARAD directing the ROD to cancel the deed of conveyance and the TCT generated as a result thereof. As legal basis therefor, the petition shall cite Section 50 of RA 6657 and Rule II, Section 1(c) and (e) of the DARAB New Rules of Procedure;



3. Represent the PARO in the hearings of the petition and ensure that the case is expeditiously resolved;
 4. Upon finality of the decision granting annulment of the deed of conveyance, immediately secure a writ of execution to implement the same;
 5. After the writ of execution has been served, secure from the ROD the documents necessary to facilitate land acquisition in the name of the original landowner. Thereafter, indorse the documents to the CARPO for Operations; and
 6. In the event of an adverse decision or a denial of the petition, file a Notice of Appeal within the 15-day reglementary period with the DARAB, and, thereafter, transmit the records of the case to the Director, Bureau of Agrarian Legal Assistance (BALA), for prosecution of the appeal.
- c) The CARPO for Operations shall immediately initiate the acquisition and distribution of the lands subject of illegal transfer upon receipt of the duly-served writ of execution and other documents from the ROD.

SEC. 5. Repealing Clause – All orders, circulars, issuances or portions thereof which are inconsistent with this Memorandum Circular are hereby repealed, amended or modified accordingly.

SEC. 6. Effectivity – This Order shall take effect ten (10) days after its publication in two (2) newspapers of general circulation.

Diliman, Quezon City, January 9, 2001

Published in two (2) newspapers
of general circulation:

1. MANILA BULLETIN
2. THE PHILIPPINE STAR


HORACIO R. MORALES JR.
Secretary

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