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Republic of the Philippines
Diliman, Quezon City

Department of Agrarian Reform

Department of Environment and
Natural Resources

JOINT DAR-DENR
Memorandum Circular No. 19
Series of 1997

TO : All DAR Regional Directors
All DENR Regional Executive Directors and
DENR-LMS Regional Technical Directors
All PAROs, PENROs, MAROs, CENROs and
All Other Officials and Employees concerned

SUBJECT : GUIDELINES TO IMPLEMENT THE JOINT DAR-DENR
MEMORANDUM CIRCULAR NO. 14, SERIES OF 1997
REGARDING UNTITLED PRIVATE AGRICULTURAL
LANDS

I. PREFATORY STATEMENT

Section IV-C of the Joint DAR-DENR Memorandum Circular No. 14, Series of 1997, issued jointly by the DAR and the DENR Secretaries, authorized the concerned Undersecretaries of the DAR and DENR to issue, whether individually or jointly, more detailed guidelines in order to carry out the goals and objectives of the said Memorandum Circular.

Accordingly, these guidelines are hereby issued jointly by the DAR and DENR Undersecretaries for the information and compliance of all concerned.

II. CLARIFICATION OF POLICIES

- A. The DAR shall acquire the untitled landholding from the person with recognizable private rights thereto using the criteria mentioned in Section II-B, Joint DAR-DENR Memorandum Circular No. 14, Series of 1997, and after proper compensation to the said person and segregation of the retention area, cause the distribution of the remaining area to the CARP beneficiaries. However, if the said person had already exercised his retention rights over his other titled agricultural lands, then all his
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remaining untitled agricultural lands shall be subject of acquisition and distribution by the DAR under CARP; without prejudice to the rights of his qualified children to acquire portions thereof as successors-in-interest thereto, pursuant to the free patent provisions of the Public Land Act.

- B. The legal requirement of continuous occupancy for at least thirty (30) years prior to 16 April 1990 is satisfied when the possession/occupancy of the present land claimant, when tacked to that of his predecessors-in-interest will add up to thirty (30) years or more.
- C. In the event that the present land claimant is unable to or refuses without the legal basis to submit the necessary documents to establish the minimum thirty (30) years continuous occupancy by himself and his predecessors-in-interest, the land shall be treated as ordinary public A & D and no vested right shall be recognized. In which case, the DENR shall transfer the same, if found to be suitable for agriculture, to DAR for CARP coverage.
- D. Untitled A & D lands over which the land claimant lacks the required thirty (30) years or more continuous occupancy, whether tenanted or not, shall be under the jurisdiction of the DENR.
- E. In the case of an entire municipality or portion thereof which was classified as A & D after 16 April 1960, the MARO concerned shall immediately exclude from his land acquisition and distribution (LAD) scope such landholdings as may be located therein and report the matter to the DAR Undersecretary for Field Operations through the PARO and DAR Regional Director, copy furnished the DENR CENRO.
- F. All undeveloped A and D lands with eighteen percent (18%) slope and over shall remain under the jurisdiction of DENR.

III. PROCEDURE

- A. The DENR through CENRO, PENRO or RTD, as the case may be, shall make available to DAR officials concerned such records as may be necessary, namely:
 - 1. The cadastral survey records and/or isolated survey records including list of claimants;
 - 2. Land classification maps; and

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3. Other documents, data and/or information necessary to implement this circular.
- B. The DAR, through its field offices, shall provide DENR through its field offices the list of untitled properties identified and/or documented for CARP coverage and other documents and data/information as may be necessary.
- C. As soon as the DAR and DENR are able to jointly identify specific properties that may be covered under the LAD component of CARP; the CENRO or RTD-LMS issues the certification required under DAR-DENR-LBP Joint Memorandum Circular No. 12, Series of 1994 for the landholdings concerned. Thereafter the MARO initiates the compulsory acquisition process for the landholding concerned by sending the Advice of Coverage to the landowner, who shall have the right to select his retention area, and completes the documentation for acquisition and distribution.
- D. DAR conducts the segregation survey of the retention area and the subdivision of the remaining area for distribution and submits the survey returns to the DENR for verification and approval.
- E. DAR proceeds to generate CLOAs in accordance with existing guidelines, registers the same in the Register of Deeds and distributes them to the agrarian reform beneficiaries.
- F. DENR accepts the application for Free Patent from the occupant/land claimant covering the retained area, processes the application and issues the land patent in due time.

IV. EFFECTIVITY

This Circular shall take effect immediately.

Diliman, Quezon City, 21 May 1997.



HECTOR D. SOLIMAN
Undersecretary for FOG-SSO
DAR



VIRGILIO Q. MARCELO
Undersecretary for FO &
DENR *Jan*