



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

MEMORANDUM CIRCULAR NO. 34
Series of 1997

TO : ALL REGIONAL DIRECTORS (RDs), PROVINCIAL AGRARIAN REFORM OFFICERS (PAROs), MUNICIPAL AGRARIAN REFORM OFFICERS (MAROs) AND OTHERS CONCERNED

FROM : THE DAR SECRETARY

SUBJECT : ISSUANCE OF CERTIFICATE OF EXEMPTION FOR LANDS SUBJECT OF VOLUNTARY OFFER TO SELL (VOS) AND COMPULSORY ACQUISITION (CA) FOUND UNSUITABLE FOR AGRICULTURAL PURPOSES

1. For purposes of expediting the existing procedure of applying for the issuance of Certificate of Exemption by landowners affected by the implementation of the Comprehensive Agrarian Reform Program (CARP), it is hereby directed that the said Certificate of Exemption shall be issued by the Regional Director (RD), through the recommendation of the Provincial Agrarian Reform Officer (PARO) under the following conditions:
 - a. that upon investigation/inspection, the whole area or portion/s of the land is/are found unsuitable for agricultural purposes, as indicated in the Field Investigation Report (CARP Form No. 3), prepared by the Department of Agrarian Reform (DAR), Land Bank of the Philippines (LBP), Department of Environment and Natural Resources (DENR), Department of Agriculture (DA), landowner (LO), Barangay Agrarian Reform Committee (BARC) and prospective agrarian reform beneficiaries (ARBs) pursuant to A.O. No. 2, Series of 1996 and/or through the findings of the Provincial CARP Implementing Team (PCIT) Composite Team, pursuant to National Inter-Agency CARP Implementing Team (NIACIT) Resolution No. 91-7-2, Series of 1992; or
 - b. that after a segregation subdivision survey, portion/s of the land is/are found to be exempt (e.g. area above 18% slope, covered by lakes/ponds, etc.) by the DAR or LBP, as shown in the approved subdivision plan.
2. Areas found to be unsuitable for agricultural purposes shall be properly identified, segregated and assigned corresponding lot number/s during the preparation of the subdivision plan of the property subject of CARP coverage. The PARO shall



"Tulong-tulong sa pagsulong"



submit his/her recommendation to the Regional Director (RD) for the issuance of Certificate of Exemption on areas found not suitable for agricultural purposes.

3. Before the issuance of a Certificate of Exemption, a notice of exemption shall be posted at the barangay and municipal halls for seven (7) working days. A certificate of posting shall be issued by the Municipal Agrarian Reform Officer (MARO) after the expiration of the posting period.
4. Any person who is aggrieved by the issuance of a Certificate of Exemption may file a written appeal to the DAR Secretary within a period of fifteen (15) working days reckoned from the expiration date of posting of said notice. If no appeal has been filed after the expiration of the above period, the Regional Director (RD) shall issue a Certificate of Exemption to the landowner.
5. In case the farmer/s is/are interested to buy the land, it may be acquired through private transactions between the owner and interested farmers, with the assistance of the DAR.

In cases where such determination of non-coverage is on the basis of unsuitability for agriculture as determined by the LBP, the DAR Secretary may issue an Order of Coverage over these areas if the Secretary, after proper investigation, finds such areas beneficial for agricultural production, and that such coverage shall redound to the best interest of the ARBs PROVIDED that the ARBs agree, in writing, to purchase the areas at values determined by LBP.

6. The PARO shall coordinate with the Register of Deeds (ROD) in the issuance of title on the exempted area in favor of the former landowners.
7. Based on the Certificate of Exemption, the LO may convey, sell or transfer the exempted lands to other persons.
8. This Memorandum Circular takes effect ten (10) days after its publication in two (2) newspapers of general circulation pursuant to Section 49 of R.A. No. 6657. All orders, circulars, memoranda, rules and regulations or portions thereof inconsistent herewith are hereby revoked, cancelled or modified as the case may be.

Please be guided accordingly.

Diliman, Quezon City 10 December, 1997.


ERNESTO D. GARILAO
Secretary

Published in Two (2) National Newspapers
of general circulation:

1. THE PHILIPPINE STAR
2. MANILA BULLETIN

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