



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

MEMORANDUM CIRCULAR NO. 23  
Series of 1997

**SUBJECT: AMENDING MEMORANDUM CIRCULAR No. 04, Series of 1996, DESIGNATING A SHOPC DESK OFFICER WITH AUTHORITY TO APPROVE AND DISAPPROVE APPLICATIONS FOR CONVERSION AND EXEMPTION THROUGH THE SOCIALIZED HOUSING ONE STOP PROCESSING CENTER PURSUANT TO E.O. 184 Series of 1994 AND PROVIDING ADDITIONAL AND/OR REVISED GUIDELINES THEREOF**

**I. RATIONALE**

In order to meet the thirteen (13) working day deadline imposed by E.O. 184, Series of 1994 and its Implementing Rules and Regulations, for the processing by the DAR Desk of applications for socialized housing, the following guidelines are hereby established:

**II. MECHANISM**

- A. The Executive Director of the Center for Land Use Policy, Planning and Implementation (CLUPPI) is hereby designated as the SHOPC-DAR Desk Officer. The Executive Director shall name at least one qualified DAR personnel to act as Deputy Desk Officer to assist in every SHOPC DAR Desk. The Deputy Desk Officer shall be on full-time detail with the SHOPC.
- B. The Center for Land Use, Policy, Planning and Implementation (RCLUPPI) shall provide the secretariat support and backstopping in the processing and approval of applications for conversion and exemption.
- C. The Executive Director shall have the authority to approve/disapprove applications for conversion and exemption and issue the corresponding DAR exemption or conversion clearance in meritorious cases.



*"Tulong-tulong sa pagsulong"*

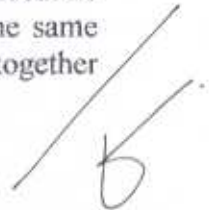


### III PROCESS FLOW

- A. Upon the endorsement by the HLURB Desk of the application, the Executive Director or the Deputy Desk Officer, shall transmit the application to the CLUPPI, with all requirements on the same day, for the evaluation of completeness of documentary requirements.
- B. The CLUPPI shall then evaluate the application as to completeness of the documentary requirements, as well as the veracity of the information given relevant to DAR's requirements as contained in the sworn information sheet submitted, and shall ascertain the merits of the application. An ocular inspection, if needed, in the discretion of the CLUPPI shall be done within five (5) working days from receipt.
- C. Applications which bear incomplete requirements will not be acted upon. The processing period herein enunciated shall thereby be suspended. However, the proponent will be accordingly informed of the deficiency(cies) and will be accorded five (5) working days from notice within which to comply. Otherwise, the application shall be deemed denied.
- D. The CLUPPI shall render its report on the results of the investigation/inspection and, together with the recommendations and draft of the proposed Order, forward the same to the Executive Director within four (4) working days reckoned from the date of the site investigation/inspection of the property.
- E. The Executive Director shall have four (4) working days to decide on the application, with copy of the order furnished the applicant and the HLURB Desk.
- F. The decision of the Executive Director approving or disapproving the conversion or exemption shall serve as the exemption or conversion clearance and shall be sent forthwith back to the SHOPC.

### IV. MODE OF APPEAL

- A. Any aggrieved/interested party may file a protest, motion for reconsideration of or appeal from the Order of the Executive Director within fifteen (15) days from receipt or notice of the Order, otherwise the Order shall assume finality.
- B. In case of protest, reconsideration of the Order of the Executive Director, or appeal, the Executive Director, after securing the same from the SHOPC, shall forward the entire application folder, together

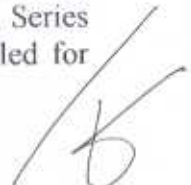


with his comments thereto, as well as the draft of the proposed resolution, to the Secretary of the Department of Agrarian Reform (DAR), within ten (10) working days from receipt of the protest, reconsideration or appeal.

- C. The Office of the Secretary shall have five (5) working days from receipt of the copy of the case records to decide on the application. A copy of the decision shall be forwarded to the applicant and such other parties concerned.

## VI. DOCUMENTARY REQUIREMENTS

- A. In the processing of applications for conversion or exemption, the same documentary requirements under A.O. No. 6 Series of 1994 and A.O. No. 12, Series of 1994 shall apply EXCEPT the following:
1. Environmental Clearance from the Department of Environment and Natural Resources (DENR); and
  2. Certificate of Eligibility for Conversion from the Department of Agriculture (DA).
- B. Documentary Requirements Under A.O. 6, Series of 1994
1. Duly notarized Special Power of Attorney, if the applicant is not the landowner himself;
  2. Certified true copies of the title/s of the properties subject of the application;
  3. Current tax declaration/s covering the property;
  4. Location Map or Vicinity Map;
  5. Certification from the Deputized Zoning Administrator that the land has been reclassified to residential, industrial or commercial use prior to June 15, 1988, citing the pertinent Municipal/City/Provincial Zoning Ordinance and the date of approval thereof;
  6. Certification from the HLURB that the pertinent zoning ordinance has been approved by the Board prior to June 15, 1988;
  7. Certification from the National Irrigation Administration that the land is not covered by Administrative Order No. 20, Series of 1992, i.e., that the area is not irrigated, nor scheduled for





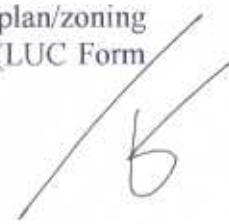
irrigation rehabilitation nor irrigable with firm funding commitment; and

8. Proof of payment of disturbance compensation, if the area is presently being occupied by farmers, or waiver/undertaking by the occupants that they will vacate the area whenever required, or a sworn undertaking to pay the disturbance compensation.

C. Documentary Requirements Under A.O. 12, Series of 1994

C.1. Requirements for all applicants:

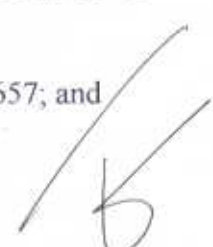
1. Application for Conversion (Land Use Conversion [LUC]) Form No. 1, Series of 1994)
2. Special Power of Attorney, if the petitioner is other than the owner of the land
3. True copy of the Original Certificate of Title (OCT) or Transfer Certificate of Title (TCT) certified by the Register of Deeds
4. Location Plan, Vicinity Map of the land and Area Development Plan including Work and Financial Plan, statement of justification of economic/social benefits of the project and recent photographs of the property being applied for conversion
5. Proof of financial and organizational capability to develop the land, such as:
  - a. Profile of developer, including details of past or current development projects
  - b. Financial Statements duly authenticated by a certified public accountant
  - c. Articles of Incorporation or Partnership, if the applicant/developer is a corporation or partnership.
6. Certification of zoning:
  - a. Zoning certification from the HLURB Regional Officer when the subject land is within a city/municipality with a land use plan/zoning ordinance approved by the HLURB (LUC Form No. 2, Series of 1994); or



- b. Certification of the Provincial Planning and Development Coordinator that the proposed use conforms with the approved land use plan when the subject land is within a City/Municipality with a land use plan/zoning ordinance approved by the Sangguniang Panlalawigan (SP). The certification should specify the SP Resolution Number and date of the approval of the land use plan (LUC Form No. 3, Series of 1994).
  7. Certification from the Regional Irrigation Manager of the National Irrigation Administration (NIA) (LUC Form No. 4, Series of 1994) or the President of the cooperative or irrigator's association, if the system is administered by a cooperative or association (LUC Form No. 4-A, Series of 1994) on whether or not the area is covered under A.O. No. 20, Series of 1992 of the Office of the President.
- C.2 Additional requirements when the applicant is a beneficiary of the agrarian reform program:
1. Certification from DAR that the applicant is the actual farmer-awardee, and that at least five (5) years have lapsed since the award of the land to him (LUC Form No. 8, Series of 1994)
  2. Certification from the Land Bank of the Philippines (LBP in the area, that the farmer-awardee has fully paid his obligations (LUC Form No. 9, Series of 1994)
- C.3 Additional requirements if the land is planted to coconut trees:
1. Certification from the Philippine Coconut Authority (PCA) that the majority of the coconuts in the subject land had become senescent and economically unproductive or had been afflicted with a plant disease hazardous to healthy trees ( LUC Form No. 10, Series of 1994)

## VII. RESTRICTION/PROHIBITION

- A. No application for conversion and exemption for socialized housing shall be given due course by the Executive Director with respect to lands:
1. has been issued a notice of acquisition under R.A. 6657; and




2. covered by A.O. 20, Series of 1992 and M.C. No. 54, Series of 1993 [Section 1, items (c) and (d)] restrictions.

#### **VIII. REPEALING CLAUSE**

The provision of Memorandum Circular No. 04, Series of 1996 and all previous Memorandum Circulars, Administrative Orders, and other issuances made by this Department which are inconsistent herewith are hereby repealed.

#### **FOR THE INFORMATION AND GUIDANCE OF ALL CONCERNED.**

Quezon City, Metro Manila, 02 June 1997.

  
**ERNESTO D. GARILAO**  
Secretary