



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

MEMORANDUM CIRCULAR NO. 25
Series of 1997

TO : DAR Regional, Provincial and Municipal Personnel
All others concerned, Region IV
DARCO-CLUPPI 2

SUBJECT : Clarificatory Guidelines on the Coverage of the Lungsod Silangan Townsite straddling portions of Antipolo, San Mateo and Montalban, Rizal

1. Pursuant to Proclamation No. 1637 dated 18 April 1977, which amended Proclamation No. 1283 dated 21 June 1974, the Lungsod Silangan Townsite Reservation Areas situated in the municipalites of Antipolo, San Mateo and Montalban, Province of Rizal, was established. Further, Letter of Instruction No. 625 dated 09 November 1977 provided for the inclusion of privately-owned lands found within the limits of the new townsite for public use, socialized housing, planned human settlement and other amenities through expropriation proceedings, beginning with the eight parcels of land identified therein as owned by Mr. Alfonso Doronila;
2. Per Department of Justice (DOJ) Opinion No. 181, Series of 1990, the dismissal of the expropriation proceedings against the A. Doronila properties and the passage of R.A. 6657 did not adversely affect the continuing enforceability of Proclamation Nos. 1283 and 1637 and LOI No. 625. Hence, the status of subject properties as being embodied within a townsite reservation is still valid and subsisting.

Likewise, said DOJ Opinion stated that "since the lands covered by the two Proclamations have been reserved for townsite purposes to be developed as human settlements by the proper land and housing agency, the same are not deemed "agricultural lands" within the meaning and intent of Sec. 3 © of R.A. No. 6657 and are beyond the purview of DAR A.O. No. 1, Series of 1990 (Rules and Regulations Governing the Conversion of Private Agricultural Lands to Non-Agricultural Uses).

3. In the case of NATALIA REALTY INC. VS. DAR (12 August 1993), the Supreme Court held, and we quote: "there was no need for petitioners to secure a clearance or prior approval from the Department of Agrarian Reform. Petitioners' properties were **within the areas set aside for the Lungsod Silangan Reservation**. Since Presidential Proclamation No. 1637 created the townsite



"Tulong-tulong sa pagsulong"



reservation for the purpose of providing additional housing to the burgeoning population of Metro Manila, it in effect converted for residential use what were erstwhile agricultural lands **provided all requisites were met.**" (underscoring ours).

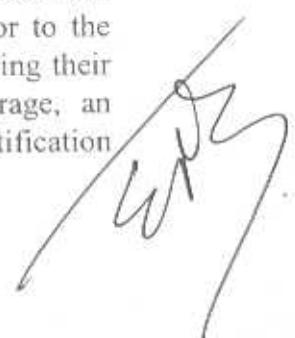
The requirements referred to by the Supreme Court are the following:

- a. favorable recommendation from the Lungsod Silangan Development Corporation;
 - b. Preliminary Approval and Locational Clearances from the HSRC; or
 - c. Development Permits from the HSRC.
4. DOJ Opinion No. 136, Series of 1993 upholds DOJ Opinion No. 44, Series of 1990, as well as the SC ruling in the NATALIA case by stating in effect that lands not devoted to agricultural activity are outside the coverage of R.A. 6657. These include lands previously converted to non-agricultural uses prior to the effectivity of CARL by government agencies other than DAR.

Further, it said: "We wish to remind that Congress, not the DOJ, nor any department in the executive branch, nor even the SC sets the policy; the policy is in the law." (referring to the deliberations of Congress on what are and are not covered by the term "agricultural lands")

5. Pursuant to Executive Order No. 232 dated 29 March 1995, the Presidential Task Force for the Development of Lungsod Silangan and Inter-Agency Task Force on Socialized Housing in Manggahan Floodway were abolished and the powers and functions thereof were transferred to the Presidential Commission on the Manila-Rizal-Laguna-Quezon (MARILAQUE) Growth Corridor which was created under E.O. No. 197 dated 29 August 1994.
6. Presidential Decree No. 27, as amended by E.O. No. 228, provides that "All qualified farmer-beneficiaries are now deemed full owners as of 21 October 1972 of the land they acquired by virtue of Presidential Decree No. 27."
7. In view of the foregoing, the following guidelines shall be observed:

- a. Tenanted private rice and corn lands with CLTs/EPs shall be exempted from the coverage of Proclamation Nos. 1627 and 1283, and LOI 625, as the FBs have already acquired vested rights pursuant to P.D. 27.
- b. For all registered private landowners who have secured [1] favorable recommendation from then Lungsod Silangan Development Corporation, [2] Preliminary Approval and Locational Clearances from the HSRC or [3] Development Permits from the HSRC prior to the effectivity of R.A. 6657 on 15 June 1988 for purposes of having their private landholdings declared excluded from CARP coverage, an application for exemption with CLUPPI 2, together with a Certification



from the HLURB that their landholdings are within the Lungsod Silangan Reservation shall be sufficient for purposes of DAR's issuance of exemption clearance.

- c. For all other registered private landowners who have failed to secure the documents mentioned in item b. hereof prior to 15 June 1988, the procedure outlined under A.O. 6, Series of 1994 or A.O. 12, Series of 1994 as amended, as the case may be, shall be followed.
 - d. Identified farmers who were tilling the land for agricultural purposes prior to the effectivity of R.A. 6657 shall be paid disturbance compensation.
8. All applications for exemption/conversion pursuant to Proclamation Nos. 1283 and 1637 and LOI 625 now pending with DAR Region IV shall perforce be forwarded to CLUPPI 2 for processing.

Likewise, all applications pending with DAR Central Office shall be resolved in accordance with this Memorandum Circular.

9. This Memorandum Circular shall take effect ten (10) days after its publication in two (2) newspapers of general circulation pursuant to Sec. 49 of R.A. 6657.

Strict compliance is hereto enjoined.

Diliman, Quezon City, 02 JULY 1997.


ERNESTO D. CARILAO
Secretary

Published in two (2) national newspapers
of general circulation:

1. MAIAYA
2. MANILA BULLETIN

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