



Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM

MEMORANDUM CIRCULAR NO. 26
Series of 1995

**SUBJECT : GUIDELINES AND PROCEDURES GOVERNING THE
TURN-OVER OF LOTS INTENDED FOR PUBLIC USE
WITHIN DAR ADMINISTERED LANDED ESTATES AND
SETTLEMENT PROJECTS IN FAVOR OF GOVERNMENT
AGENCIES CONCERNED**

For an orderly and systematic turn-over of lots intended for public use within Landed Estates acquired under C.A. 539, Republic Act Nos. 1266 and 1400, and DAR administered settlement projects to Local Government Units (LGUs) or National Government Agencies (NGAs) concerned, the following guidelines and procedures are hereby prescribed.

I. COVERAGE

These guidelines shall cover lots (including improvements introduced by the DAR) in DAR landed estates and settlement projects intended for government center sites, school sites, park, cemetery sites, nursery or demonstration farms, plaza sites, irrigation canals and other lots for public use, subject to the following criteria:

1. Preferably ninety percent (90%) of the disposable lots within the estate or settlement should have been awarded or titled to the beneficiaries;
2. The lots are classified for public use and covered by approved subdivision plan and technical description as public sites;
3. The lots are not covered by homestead/miscellaneous sale application, patent, CLOA or any certificate to any private or juridical person;
4. The lands are free from adverse claim or subject of any court case; and
5. The lots and/or improvements are no longer being actively utilized or administered by the DAR.

II. MANNER OF DISPOSITION

Lots subject of this Memorandum shall be turned-over to the government agencies concerned through the execution of Deed of Transfer (DOT) or Memorandum of Agreement (MOA), as the case may be.

III. CONDITIONS

The following conditions should be stipulated in the DOT or MOA :

1. The lots shall be used for the purpose for which they are intended and classified and shall be developed in accordance with existing laws, rules and regulation. Any change of their use shall redound to the benefit of the public in general and beneficiaries in particular;
2. The lots shall not be sold or in any manner transferred except for the welfare and benefit of the general public;
3. The lands shall be subject to the applicable provisions of public land laws regarding restrictions and limitation, in case the land subject of transfer was derived from Settlement Project (public land);
4. The conditions stated in paragraphs 1, 2 3, and 7 herein shall be annotated in every documents to be executed affecting transfer of lots subject of turn-over and likewise to be annotated in the Certificate of Title (in the case of registrable lands) to be issued in favor of the transferee and or its successor-in-interest;
5. Lots occupied by DAR Field Offices and other facilities established therein shall be, in the meantime, excluded from this Memorandum Circular, until such time that the Department no longer needs them;
6. All expenses for the registration of transfer documents and the corresponding issuance of Certificate of Title including fees, taxes or charges, if there is any, shall be borne exclusively by the transferee; and
7. Failure to develop/maintain the lots after five (5) years from the date of the transfer shall cause their reversion back to the DAR.

IV. CREATION OF TASK FORCE

For purposes of effective and systematic implementation of the objective of this Circular, a Task Force shall be organized to be composed of representatives from the Bureau of Land Acquisition and Distribution (BLAD), Bureau of Agrarian Legal Assistance (BALA), Bureau of Land Development (BLD), the Office of the Secretary and field units concerned divided into two (2) groups and shall have the following functions:

A. DARCO Group

BLAD Director	-	Chairperson
or his/her authorized representative		
BLD Representative	-	Member
BALA Representative	-	Member
OSEC Representative	-	Member

The DARCO Group shall provide technical assistance to the Field Unit Group concerned and shall have the responsibilities in the data gathering and monitoring of the progress of activities of the Task Force. The Group shall likewise conduct the final review and evaluation of transfer documents.

B. Field Unit Group

Provincial Agrarian Reform Officer (PARO)	-	Chairperson
RARO Representative	-	Member
OIC in LE/SP Operations	-	Member
Municipal Agrarian Reform Officer (MARO)	-	Member
Chief/OIC, Legal Division of the RARO/PARO	-	Member

V. OPERATING PROCEDURES

A. The Field Unit Group (FUG) shall:

1. Identify and conduct ocular inspection of the lots subject for turn-over and prepare the summary report as to the status of the subject lot;
2. Initiate a meeting/dialogue with concerned LGU or National Government Agencies for the turn-over of said lots by sending a written invitation, informing them about the proposal;
3. Prepare all the documentary requirements, such as lot and technical descriptions, clearances and other supporting documents once the LGU or NGA signify acceptance;
4. Prepare the transfer documents (MOA or DOT) for presentation and consultation with the LGU or NGA concerned; and
5. Forward the Transfer Document (MOA or DOT) together with the supporting documents and recommendation of FUG to DARCO Group for final review and evaluation.

B. DARCO Group shall:

1. Conduct the final review and evaluation of documents submitted by FUG and, if lacking in required documents, return said folder for proper action; and
2. Forward same to the Office of the Secretary for consideration and approval if in order.

VI. MONITORING AND EVALUATION

The BLAD, in coordination with concerned field units, shall monitor/evaluate the compliance to the MOA or DOT executed.

VII. EFFECTIVITY

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

Diliman, Quezon City, NOVEMBER 13, 1995.


ERNESTO D. GARILAO
Secretary

Published in Two (2) Newspapers
of general circulation:

1. MANILA BULLETIN
2. TODAY

Date of Publication - November 20, 1995

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This AGREEMENT, made and entered into by and between:

The **DEPARTMENT OF AGRARIAN REFORM**, a government institution of the Republic of the Philippines created and existing under Republic Act No. 3844 as amended by R.A. 6389, and Executive Order No. 129-A, represented in this instance by its Secretary, Hon. ERNESTO D. GARILAO, with office address at Elliptical Road, Diliman, Quezon City, hereinafter referred to as the DEPARTMENT;

-and-

The **MUNICIPAL/CITY GOVERNMENT OF _____**, situated in the province of _____, a local government unit created and existing under the law of the Philippines, represented in this instance by its MUNICIPAL/CITY MAYOR, Hon. _____, as authorized by the SANGGUNIANG BAYAN under SP Resolution No. _____, Series of _____, dated _____, hereinafter referred to as the MUNICIPALITY.

WITNESSETH

WHEREAS, the DEPARTMENT, by virtue of Republic Act No. 3844 as amended by R.A. 6389, R.A. 6657 and Executive Order No. 129-A, has the power of disposition over lands acquired under C.A. 539, R.A. 1400, R.A. 1160, R.A. 1266, R.A. 3844 and R.A. 6657 under its custody and administration in accordance with the provisions of the said laws;

WHEREAS, the DEPARTMENT and its predecessors-in-interest have undertaken various programs in landed estates/settlement projects acquired under the said laws and caused the distribution of these lands to qualified beneficiaries of the program;

WHEREAS, in the development and subdivision of these estates/settlement projects, the DEPARTMENT and its predecessor offices have earmarked certain lots intended for public use of the beneficiaries of the estates/settlement projects, such as road lots, creeks, canals, school site, market site, health center site and other public site lots surveyed and intended exclusively for public uses;

Witness

WHEREAS, it is the policy of the DEPARTMENT to phase-out (completely documented) old landed estates and settlement projects under its custody particularly estates/settlement project that are now established and developed and transformed into a thriving and self-sustaining community;

WHEREAS, one of the initial undertaking of the phasing-out program of landed estates and settlement projects is the documentation and subsequent turn-over of lots earmarked for public use to appropriate government agencies or local government units for their further development and administration so as to better serve the interest of the people and community as a whole;

Witness

WHEREAS, it is now the policy of the State to grant the local government units of genuine and meaningful local autonomy by giving them more powers, authority, responsibilities and resources, as provided for under the Local Government Code of 1991; and

WHEREAS, the MUNICIPALITY/CITY of _____ through the SANGGUNIANG BAYAN Resolution No. _____, Series of _____, dated _____, has manifested its desire and willingness to accept all the real properties earmarked and intended for public uses within the _____ landed estate/ settlement project, located at _____, for their further development and administration, particularly described in Appendix "A" which is made an integral part of this AGREEMENT.

Mayor

Municipality of

NOW, THEREFORE, for and in consideration of the above premises, the DEPARTMENT do hereby turn-over, assign and convey unto and in favor of the MUNICIPALITY/CITY all the items enumerated in Appendix "A" and shall cause, through its Provincial Agrarian Reform Office, the issuance of corresponding Certificate/s of Title in favor of the MUNICIPALITY/CITY from the Register of Deeds concerned; and the MUNICIPALITY/CITY do hereby graciously accept the same to hold, improve and develop and administer under its own responsibility and accountability for the benefit and welfare of the residents and/or beneficiaries of the estate/settlement project, subject to the following conditions as mutually agreed upon by both parties:

Secretary Ernesto D. Garilao

1. The lots shall be used for the purpose for which they are intended and classified and shall be developed in accordance with existing laws, rules and regulation. Any change of use shall redound to the benefit of the public in general and landed estate/settlement project beneficiaries in particular;

2. That, it shall not be sold or in any manner transferred or encumbered except for the welfare and benefit of the public;
3. That, the land shall be subject to the applicable provisions of public land laws regarding restrictions and limitations in case the land subject of transfer was derived from a Settlement Project (public land);
4. That, the conditions stipulated in paragraphs 1, 2, 3, and 7 herein shall be annotated in the Certificate of Title to be issued in favor of the MUNICIPALITY/CITY and/or its successor-in- interest;
5. That the failure to develop or maintain the lots after five (5) years from the date of the transfer shall cause its reversion back to the DAR.
6. And, finally, that the MUNICIPALITY/CITY hereby agreed, that all expenses for the registration of this instrument and the corresponding issuance of titles, -including fees, taxes or charges, if there is any, shall be borne exclusively by the MUNICIPALITY/CITY.

IN WITNESS WHEREOF, the PARTIES hereto have set their hands this _____ day of _____ 19_____.

DEPARTMENT OF AGRARIAN REFORM

MUNICIPAL/CITY GOVERNMENT OF

BY:

BY:

ERNESTO D. GARILAO

Secretary

Municipal/City Mayor

CONFORME:

Provincial Government of: _____

Governor

Witness

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES) S.S.
QUEZON CITY)

Witness

BEFORE ME, a Notary Public for and in Quezon City, personally appeared **ERNESTO D. GARILAO**, Secretary of the Department of Agrarian Reform, with Residence Certificate No. _____ issued at _____ on _____ and Governor/Mayor _____ with Residence Certificate No. _____ issued at _____ on _____ to me known and known to be the same person who executed the foregoing instrument and acknowledge to me that the same is their free and voluntary act and deed and that of the agencies they represent. This Instrument consisting of _____ () pages including this page on which the acknowledgement is written has been signed on each page by the parties and their witnesses.

IN TESTIMONY WHEREOF, I have hereunto set on hand and affixed the seal of my office this _____ day of _____, 19____.

Mayor

Municipality of _____

NOTARY PUBLIC

Doc. No. _____

Page No. _____

Book No. _____

Series of _____

Secretary Ernesto D. Garilao