



Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM

MEMORANDUM CIRCULAR NO. 07
Series of 1993

TO : All Regional Directors
Provincial Agrarian Reform Officers (PAROs)
Municipal Agrarian Reform Officers (MAROs)
All others concerned

SUBJECT : IMPLEMENTING GUIDELINES ON THE DISTRIBUTION AND TITLING OF THE PUBLIC AGRICULTURAL LANDS TURNED OVER BY THE NATIONAL LIVELIHOOD AND SUPPORT FUND (NLSF) TO THE DEPARTMENT OF AGRARIAN REFORM FOR DISTRIBUTION UNDER THE CARP PURSUANT TO E.O. 407, SERIES OF 1990, AS AMENDED BY E.O. 448, SERIES OF 1991, AND AS CLARIFIED UNDER MEMORANDUM ORDER NO. 107 OF THE PRESIDENT OF THE PHILIPPINES DATED MARCH 23, 1993.

Under Memorandum of Agreement/Deed of Transfer dated March 11, 1992, and Supplemental Memorandum of Agreement dated September 7, 1992, the National Livelihood and Support Fund (NLSF), in compliance with E.O. No. 407, as amended by E.O. No. 448, turned over to the DAR for distribution and titling under the CARP all the alienable and disposable portions of the public domain covered by Presidential Proclamation No. 2282 dated March 29, 1983.

In view of Memorandum Order No. 17, issued by President Corazon C. Aquino on June 17, 1986, and questions raised by some quarters concerning DAR's jurisdiction over those portions of Proclamation No. 2282 which were already classified as A and D prior to March 29, 1983, the DAR made representations with the Office of the President to clarify the matter.

On March 23, 1993, President Fidel V. Ramos issued Memorandum Order No. 107, clarifying Memorandum Order No. 17 dated June 17, 1986, and providing the following guidelines quoted hereunder:

"Section 1. All lands covered by Proclamation No. 2282 which were reclassified as alienable and disposable agricultural lands prior to 29 March 1983 and used or administered by the KKK-NLSF as agricultural lands shall remain alienable and disposable agricultural lands."

"Section 2. All lands actually classified as agricultural land prior to the effectivity of Proclamation No. 2282 and used or administered by the KKK-NLSF as agricultural land shall be turned over to the Department of Agrarian Reform for disposition to farmer-beneficiaries in accordance with Executive Order No. 407.

"Section 3. The Department of Agrarian Reform and the Department of Environment and Natural Resources shall jointly determine which areas were reclassified as alienable and disposable agricultural land previous to the effectivity of Proclamation No. 2282 for disposition by the Department of Agrarian Reform."

Accordingly, these detailed implementing guidelines are hereby promulgated for the information of, and compliance by all concerned.

I. COVERAGE

These guidelines shall apply to all the public agricultural lands covered by Proclamation No. 2282 and classified as alienable and disposable (A and D) prior to 29 March 1983.

II. STATEMENT OF POLICIES

- A. In general the farmer-tiller or actual occupant shall be given preference in the distribution of the lands occupied by him, provided that the area will not exceed three (3) hectares per farmer-beneficiary (FB). Areas in excess, if any, may be distributed to the qualified children or relatives of the FB designated by him.
- B. Certificates of Land Ownership Award (CLOA) may be generated and issued to farmer-beneficiaries either individually or collectively. The total hectarage covered by a collective CLOA shall not exceed the number of co-owners or members of the farmer's organization multiplied by three, except in meritorious cases approved by the PARC, pursuant to Sec. 25, RA 6657.
- C. Claims of cultural communities or indigenous tribal groups, located within the alienable and disposable areas, and free from adverse claims, shall be respected and issued collective CLOA in the name of the community or tribe concerned, represented by the acknowledged leader. In case the total hectarage will exceed the limit of three hectares per member, the approval of the PARC shall be secured pursuant to Sec. 25, RA 6657.
- D. Vacant or unoccupied lands shall be distributed to qualified beneficiaries in accordance with the order of priority specified under Sec. 22, RA 6657.
- E. Parcels already surveyed by the DENR under the cadastral system shall be subject to the payment of the proportionate cadastral survey cost as determined by the DENR. Pursuant to the Cadastral Act (Act 2259) such survey cost shall, if not paid by FB at the time of CLOA issuance, be annotated as a lien on the title

in the following manner:

"The lands covered by this title is subject to the payment to the DENR of the proportionate cadastral cost in the amount of ₱ _____ pursuant to the Cadastral Act (Act 2259)."

- F. Lands with adverse claims shall not be covered until the adverse claims are resolved administratively or judicially in which event the adjudicatee shall have the option to be a CARP beneficiary.
- G. Parcels or lots already titled shall be respected, except when their area exceeds the retention limits allowed by law, in which case they shall be covered following the schedule of priorities under Section 7, R.A. 6657.
- H. Parcels or lots covered by public land applications filed with the DENR or the DA (BFAR) shall be respected. The applicant concerned shall be allowed to pursue his application with the DENR. Applicants who wish to instead acquire their lots through CARP may be allowed to do so provided that they present proof that they have already requested the DENR to cancel or reject their applications and that they possess all the qualifications of an ARB. The DAR shall immediately thereafter advise the DENR in writing about the receipt of such application to be a CARP beneficiary. (Form Letter attached as Annex 1.)
- I. Lands which have been proclaimed as reservations in favor of other government agencies or instrumentalities shall not be covered. Separate negotiations, direct with the agencies and instrumentalities concerned, shall instead be initiated by the DAR official concerned for the acquisition of those portions which are not being used for the purpose of the reservation or not needed by the agency or instrumentality concerned, pursuant to E.O. 407 as amended by E.O. 448.
- J. Poblacions, townsites, barangay sites, and similar sites actually used for residential or non-agricultural purposes shall not be covered. Their titling shall be pursued under other government programs (cadastral proceedings) under the responsibility of other government agencies concerned.
- K. All lands utilized as government sites, in addition to those lands specified in Section 10, R.A. 6657, shall not be covered.
- L. Lands intended for or devoted to public use such as highways, roads, railroads, foreshores, public rights-

of-way and other similar uses, as well as lands under bodies of water such as rivers, creeks, lakes, bays, natural springs, irrigation canals, reservoirs, and similar areas under water, shall not be covered.

- M. In the case of lands where the actual occupant or claimant may already be entitled to a free patent under R.A. 6940, (continuous occupation and cultivation by himself or thru his predecessors-in-interest for at least 30 years prior to April 16, 1990, among other requirements), said lands shall not be covered and the claimant may be allowed to perfect his rights thru the DENR. However, occupants or claimants who prefer to become ARBs instead shall be included in the DAR program if qualified.
- N. All lands that are unclassified or classified as Timberland or Forestland, National Parks or Mineral Lands, even if occupied and fully cultivated, shall not be covered. Instead, the occupants shall be referred to the DENR for possible inclusion in the ISF program in accordance with Joint DAR-DENR Administrative Order No. 02, Series of 1992.
- O. All field implementors shall ensure that the lands being distributed are inside the alienable and disposable areas by closely coordinating with their DENR counterparts and by using as their references the Land Classification Maps (L.C. Maps) obtained from their DENR counterparts. In case of uncertainty, especially for parcels located at the periphery of the A and D areas, a certification from a DENR functionary as to the classification status of the parcel may be secured. To facilitate the distribution of lots within areas already surveyed under an aggregate survey project (PLS, Cadastral, GSS, CSD, etc.), the DAR may also secure from the DENR office concerned a certification as to the lots which are not yet covered by public land applications.

III. PROCEDURES

- A. The existing procedures on the distribution and titling of public agricultural lands acquired from other government agencies and instrumentalities without cost shall be followed.
- B. The established procedures for the generation, registration and distribution of CLOAs in existing administrative issuances, including A. O. 3, Series of 1990, A. O. # 9, S. 1989, and A. O. # 10, S. 1990 shall be followed.
- C. As the areas proclaimed under Proclamation No. 2282 were originally intended for resettlement purposes, the

most appropriate CLOA Form to use should be OCT CLOA Form No. 6-A (equivalent to OCT Judicial Form No. 67-B), for Settlement Project. DAR field offices may also use, as an alternative, OCT CLOA Form No. 1-A (equivalent to OCT Judicial Form No. 45-A), provided that an additional condition shall be inserted after the phrase "ten (10) years" to read as follows: "and to sections 109 to 114, inclusive, C. A. 141, as amended." (Sample attached as Annex 2.)

IV. EFFECTIVITY

This Circular shall take effect ten (10) days after publication in two (2) national newspapers of general circulation in accordance with Section 49, R.A. 6657.

Diliman, Quezon City, 26th May 1993.


ERNESTO D. GARILAO
Secretary

Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM
Municipal Agrarian Reform Office
Municipality of _____

The Community Environment and
Natural Resources Officer (CENRO)
Department of Environment and Natural Resources

Sir :

I have the honor to inform you of our receipt of an application under the CARP from M. _____, a resident of Barangay _____, Mun. of _____.

According to the aforementioned person, he/she has a subsisting public land application with the DENR, described as follows:

Application No. _____

Lot No./Survey No. _____ Area: _____

Location : Barangay _____ Mun. _____

which application he/she had requested that Office to cancel or reject in order to pursue his/her application to become a CARP beneficiary under the DAR for the same parcel of land.

In view of the request of applicant for the cancellation or rejection of his/her public land application, we wish to give formal notice that steps will now be taken by this Office to process his/her application for the same lot under the CARP.

Very truly yours,

MARO

SN No. 00116005

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
LAND REGISTRATION AUTHORITY

REGISTRY OF DEEDS FOR THE _____

Original Certificate of Title
No. _____

Entered in accordance with Republic Act No. 6657, dated June 10, 1988, pursuant to a Certificate of Land Ownership Award issued by the Department of Agrarian Reform, at Quezon City, and spread in the records of the said Department of Agrarian Reform, as follows:

“REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF AGRARIAN REFORM
CERTIFICATE OF LAND OWNERSHIP AWARD NO. _____

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

WHEREAS, pursuant to the provisions of Republic Act No. 6657, dated June 10, 1988, INSTITUTING A COMPREHENSIVE AGRARIAN REFORM PROGRAM TO PROMOTE SOCIAL JUSTICE AND INDUSTRIALIZATION AND PROVIDING THE MECHANISM FOR ITS IMPLEMENTATION, there is hereby awarded unto _____

_____, a parcel of agricultural land situated in Barangay _____, Municipality of _____, Province of _____, Island of _____, Philippines, containing an area of _____ (_____) square meters, more or less, which is now more particularly bounded and described at the back hereof.

WHEREAS, it has been established that the herein awardee has fully complied with the requirements for the grant of title under Republic Act No. 6657.

NOW, THEREFORE, KNOW YE, That by authority of the provisions of Republic Act No. 6657, there is hereby awarded unto the said* _____

this Certificate of Land Ownership Award covering the parcel of agricultural land herein described.

TO HAVE AND TO HOLD IN OWNERSHIP AND TO USE PRODUCTIVELY said parcel of agricultural land with all the rights and privileges appurtenant thereto, subject to the condition that it shall not be sold, transferred or conveyed except through hereditary succession, or to the Government, or to the Land Bank of the Philippines, or to the other qualified beneficiaries for a period of ten (10) years,^(x) Provided, however, that the children or the spouse of the transferor shall have a right to repurchase the land from the Government or the Land Bank of the Philippines within a period of two (2) years from the date of transfer.

IN TESTIMONY WHEREOF, and by authority vested upon me by law, I, _____, President of the Philippines, hereby cause these letters to be made patent and the seal of the Republic of the Philippines to be hereunto affixed.

Given at Quezon City, Philippines, on this _____ day of _____, in the year of Our Lord nineteen hundred and _____.

(x) and to Sections 109 to 114,
C.A. 141, as amended.

BY AUTHORITY OF THE PRESIDENT
OF THE PHILIPPINES:

Secretary of Agrarian Reform”

Entered in the Registry of Deeds of _____
_____ pursuant to Section 24 of Republic
Act No. 6657 on this _____ day of _____,
nineteen hundred and _____
at _____ m.

(Owner's postal address)

Register of Deeds

*State the civil status, name of spouse if married, age if a minor, citizenship and residence of the awardee.