



ADMINISTRATIVE ORDER NO. 02
SERIES OF 2018.

**SUBJECT: 2018 OMNIBUS SUMMARY RULES FOR CANCELLATION
CASES OF EMANCIPATION PATENTS, CERTIFICATES OF
LAND OWNERSHIP AWARDS AND OTHER TITLES ISSUED
UNDER ANY AGRARIAN REFORM PROGRAM.**

PREFATORY STATEMENT

An integral component of the thrusts and priorities of President Rodrigo Roa Duterte is evident in his instructions to all the departments and agencies of the Government. The President mandates the reduction of all the requirements and the processing time for all the applications for department approval or agency action. The priority for action is to streamline all legal processes in the DAR. One area which urgently requires an overhaul of the process is the cancellation of Emancipation Patents (EPs), Certificates of Land Ownership Award (CLOAs) and other titles issued under any Agrarian Reform Program.

Republic Act (R.A.) No. 6657, as amended by R.A. No. 9700, as well as Executive Order (E.O.) No. 229, Presidential Decree (P.D.) No. 27, E.O. No. 228, R.A. No. 3844, as amended by R.A. No. 6389, and other agrarian laws prescribe the manner of acquisition, re-distribution, and award of agricultural lands to qualified farmer-beneficiaries with corresponding rights and obligations. The awards of land to qualified beneficiaries are evidenced by EPs, CLOAs and other titles issued under any Agrarian Reform Program.

Section 9 of R.A. No. 9700 provides that the EPs, CLOAs, and other titles issued any Agrarian Reform Program shall be indefeasible and imprescriptible after one (1) year from its registration with the Office of the Registry of Deeds, subject to the conditions, limitations and qualifications of this Act, the property registration decree, and other pertinent laws. The emancipation patents or the certificates of land ownership award being titles brought under the operation of the Torrens system, are conferred with the same indefeasibility and security afforded to all titles under the said system, as provided for by P.D. No. 1529, as amended by R.A. No. 6732.

All cases involving the cancellation of registered emancipation patents, certificates of land ownership award, and other titles issued under any Agrarian Reform Program are within the exclusive and original jurisdiction of the Secretary of the DAR.

DAR Administrative Order (A.O.) No. 6, Series of 2011 and DAR A.O. No. 7, Series of 2014 as amended by DAR A.O. No. 4, Series of 2015 provide for the rules and regulations for the involuntary cancellation of EPs, CLOAs and other titles issued under any Agrarian Reform Program. DAR A.O. No. 8, Series of 1995 as amended by DAR A.O. No. 1, Series of 2017 provide for the rules and regulations for the voluntary cancellation of EPs, CLOAs and other titles issued under any Agrarian Reform Program. Finally, DAR A.O. No. 6, Series of 2014 provides for the procedure for the cancellation of EPs, CLOAs and other titles issued under any Agrarian Reform Program for the purpose of correcting erroneous technical descriptions.

Indispensable to the cancellation of EPs, CLOAs and other titles issued under any Agrarian Reform Program is the case build-up process in the office of the Provincial Agrarian Reform Adjudicator (PARAD) and the case evaluation and preparation of the draft resolutions by the Office of the Assistant Secretary for Legal Affairs (ALAO), and the Bureau of Agrarian Legal Assistance (BALA).

In the case build-up process, PARADs may issue interlocutory orders to require the petitioner to submit all documentary requirements before the cancellation case folder is forwarded to the DAR Central Office. The ALAO and the BALA may likewise issue interlocutory orders for the same purpose. This arrangement of issuing overlapping interlocutory orders from various offices delays the resolution of cancellation cases.

On the other hand, cancellation petitions which are already being voluntarily withdrawn by the parties are still subject to the case build-up process in the PARAD, the BALA and the ALAO and are still elevated to the Office of the Secretary for proper disposition due to Section 24 of R.A. No. 6657, as amended. This arrangement of elevating to the Office of the Secretary petitions which could have already been dismissed at an earlier instance, contributes to the clogging of the dockets.

Current procedures in the cancellation of an EP, CLOA or any other title issued under any Agrarian Reform Program unnecessarily afford a losing party in an Agrarian Law Implementation (ALI) case another opportunity to challenge the very outcome of the ALI case during the filing of the petition for cancellation. This is due to the fact that the losing party in the ALI case has the second chance to oppose the cancellation of the title based on the very same set of arguments and evidence which said party submitted in the decided ALI case. This results to a repeat of the entire process which delays the speedy disposition of cancellation cases and contributes to the clogging of the dockets.

The rules on the cancellation of EPs, CLOAs and other titles issued under any Agrarian Reform Program due to the death of the Agrarian Reform Beneficiary (ARB) unnecessarily impose upon the PARAD the task of establishing the qualification of heirs of the ARB. The PARAD is given the task of identifying the names of the person(s) who will appear as the

registered owner(s) of the new title upon cancellation due to the death of the ARB. This is a task reserved for the Register of Deeds (ROD) and not DAR. This delays the cancellation process.

Regarding the cancellation of EPs, CLOAs and other titles issued under any Agrarian Reform Program for the purpose of correcting erroneous technical descriptions even when there is no issue regarding the identification or the number of the ARBs, or the correctness of the coverage of the landholding or any portion thereof, the cancellation of the defective title goes through several layers for the case build up process. It starts from the Provincial Agrarian Reform Program Officer (PARPO) which prepares the report and recommendations. These are submitted to the Regional Director (RD) for review. The Bureau of Land and Tenure Improvement (BLTI) then reviews said report and recommendations a second time after which the Assistant Secretary for Field Operations Office (AFOO) reviews the report and the recommendations a third time. The final review of the report and recommendations is made by the Undersecretary for Field Operations Office (UFOO) before everything is submitted to the Office of the DAR Secretary which makes the final review and renders the decision.

This five-layer process in the correction of entries in the EP, CLOA or other title issued under any Agrarian Reform Program delays the speedy disposition of cancellation cases and contributes to the clogging of the dockets.

SECTION 1. COVERAGE.

These Omnibus Rules of Summary Procedure shall apply to the cancellation of an EP, CLOA or other title issued under any Agrarian Reform Program arising from any of the following:

- 1.1. Any case that does not have any remaining unresolved ALI issues. An ALI case where the Decision has become final and executory; and is not the subject of an annulment action.
- 1.2. An ALI case or a Cancellation case where the Petitioner or all the parties would like to withdraw the said ALI or Cancellation case.
- 1.3. A Cancellation case to correct erroneous technical descriptions in the EP, CLOA or other title issued under any Agrarian Reform Program where the correction of the entries in the title shall not result to any issue regarding the identification or the number of the ARBs, or the correctness of the coverage of the landholding or any portion thereof.
- 1.4. A Cancellation case with an approved land transfer clearance arising from the sale, donation, assignment of rights, succession as well as any other form of conveyance approved by the DAR pursuant to Section 27 of R.A. No. 6657, as amended.

SECTION 2. PROCESSING OF CASES.

2.1. All cases under Section 1 hereof shall be commenced by application and no longer by petition. The party requesting for the cancellation of the title shall accomplish CANCELLATION FORM NO. 1 attached as Annex A.

2.2. The application form for the cancellation of the EP, CLOA or other title issued under any Agrarian Reform Program shall be accomplished by the applicant who shall certify under oath as to the truthfulness of all information supplied and as to the authenticity of the requisite documents to be attached, thus:

2.2.1. For cancellation actions based on a final and executory ALI Decision:

The Certificate of Finality of the ALI Decision as well as a Certified True Copy of the Final and Executory Decision to be both issued by the Court or Office which rendered and promulgated the Decision.

2.2.2. For cancellation actions which are for dismissal by motion of the petitioner(s) or by the parties:

The Motion to Withdraw the Cancellation Action signed by the Petitioner(s) or by all the parties with the participation of their respective counsel or representative.

2.2.3. For cancellation actions due to the sale, donation, assignment of rights, succession as well as any other form of conveyance of the awarded land approved by the DAR:

The valid DAR Transfer Clearance issued by the RD of the region where the property is situated.

2.2.4. For cancellation actions to correct the entries in the EP, CLOA or other title issued under any Agrarian Reform Program:

The correct technical description embodied in the proper Certification issued by the Department of Environment and Natural Resources (DENR), together with the Report of the concerned PARPO II.

2.2.5. For all cancellation actions, the certified true copy of the EP, CLOA or other title issued under any Agrarian Reform Program, shall be submitted and attached to CANCELLATION FORM NO. 1.

- 2.2.6. For all cancellation actions, any documentary proof that the registered owner(s) received a copy of the CANCELLATION FORM NO. 1.
- 2.3. The Application for Cancellation with the requisite documents attached shall be filed with the PARPO II of the province where the landholding is situated. It is the primary duty of the PARPO II to determine the correctness of the information contained in the Application Form. The PARPO II shall not accept the Cancellation Application Form in the following instances:
- 2.3.1. The information required to be provided in the Application Form is not supplied or the applicant(s) failed to sign the Application Form.
- 2.3.2. The requisite documents are not attached to the Application.
- 2.4. The PARPO II shall assign a Cancellation Application Number indicating the time of receipt of the Application Form and shall give the applicant an Acknowledgement Receipt indicating what has been submitted and the time of submission which is designated as CANCELLATION FORM NO. 2 herein attached as Annex B.
- 2.5. For cancellation actions based on a final and executory ALI Decision, for cancellation actions for dismissal by motion of the petitioner(s) or the parties, and for cancellation actions with an approved land transfer clearance, the PARPO II shall submit the Application Form as well as the requisite documents (CANCELLATION FORM NO. 1) together with the Acknowledgement Receipt (CANCELLATION FORM NO. 2) to the Undersecretary for Legal Affairs Office (ULAO). The PARPO II shall submit his/her recommendation to the ULAO accomplishing CANCELLATION FORM NO. 3 herein attached as Annex C.
- 2.6. For cancellation actions based on the correction of entries in the title, the PARPO II shall submit the Application Form as well as the requisite documents (CANCELLATION FORM NO. 1) together with the Acknowledgement Receipt (CANCELLATION FORM NO. 2) to the Undersecretary for Field Operations Office (UFOO). The PARPO II shall submit his/her recommendation to the UFOO accomplishing CANCELLATION FORM NO. 3A herein attached as Annex D.
- 2.7. The ULAO (or the UFOO in case of erroneous technical description) shall review all the documents and prepare the Order of Cancellation of Title designated as CANCELLATION FORM NO. 4 herein attached as Annex E. The Order of Cancellation once accomplished shall be submitted to the Office of the DAR Secretary for final approval. The Order of Cancellation shall include the set of instructions to the concerned PARPO II on the implementation of the cancellation action.

- 2.8. The duly approved Order of Cancellation shall be submitted to the concerned PARPO II. A copy of the Order of Cancellation shall be furnished to the Agrarian Reform Beneficiaries adversely affected by the cancellation. Otherwise, the PARPO II shall undertake the Cancellation of the EP, CLOA or other title issued under any Agrarian Reform Program in accordance with the instructions in the Order of Cancellation.
- 2.9. Should there be other reliefs necessary for the enforcement of rights based on the newly issued EP, CLOA or other title issued under any Agrarian Reform Program, the concerned party shall have recourse through the commencement of the proper ALI case; or through the commencement of the proper judicial action in the court of competent jurisdiction if the case is cognizable by regular courts.
- 2.10. A person whose rights have been violated as a result of the Cancellation of the EP, CLOA, or other title issued under any Agrarian Reform Program may ask for a Revocation of the Order of Cancellation on the ground that the Order of Cancellation was issued due to extrinsic fraud, lack of jurisdiction, or lack of due process. The aggrieved party shall execute a sworn affidavit stating the reason(s) or basis for the revocation of the Order of Cancellation. The person shall immediately file the sworn affidavit to the ULAO which shall evaluate the affidavit and recommend action to the Office of the Secretary. The Office of the Secretary shall issue the order on the grant or denial of the request for revocation.

SECTION 3. TRANSITORY PROVISIONS.

- 3.1. All petitions for Cancellation of the EP, CLOA, or other title issued under any Agrarian Reform Program based on a final and executory judgment in an ALI case pending before the PARAD shall be transferred to the concerned PARPO II for processing in accordance with these rules, with notice to all the parties.
- 3.2. All petitions for Cancellation of the EP, CLOA, or other title issued under any Agrarian Reform Program with an unresolved ALI component pending before the PARAD shall be transferred to the concerned PARPO II to process based on the pertinent rules for ALI cases, with notice to all the parties.
- 3.3. All petitions for Cancellation of the EP, CLOA, or other title issued under any Agrarian Reform Program based on a final and executory judgment in an ALI case pending before the BALA or ALAO shall be processed in accordance with these rules.
- 3.4. All petitions for Cancellation of the EP, CLOA, or other title issued under any Agrarian Reform Program with an unresolved ALI

component pending before the BALA or ALAO shall be processed based on the pertinent rules for ALI cases.

SECTION 4. REPEALING CLAUSE.

All DAR Rules and Procedures on Cancellation of EPs, CLOAs and other titles issued under any Agrarian Reform Program, including DAR A.O. No. 8, Series of 1995, are hereby modified in accordance with this A.O. DAR A.O. No. 6, Series of 2011; DAR A.O. No. 7, Series of 2014; DAR A.O. No. 1, Series of 2017; as well as DAR A.O. No. 6, Series of 2014, are hereby repealed. All other DAR issuances inconsistent with this A.O. are hereby accordingly repealed, modified and/or amended.

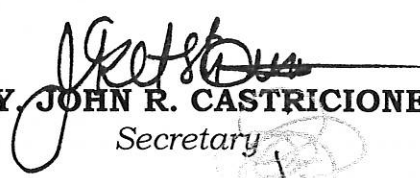
SECTION 5. SEPARABILITY CLAUSE.

Any judicial pronouncement declaring as unconstitutional any provision of this A.O. shall have no effect on the validity of the other provisions not affected thereby.

SECTION 6. EFFECTIVITY CLAUSE.

This A.O. shall take effect ten (10) days after its publication in two (2) newspapers of general circulation.

February 14, 2018, Diliman, Quezon City.


ATTY. JOHN R. CASTRICIONES
Secretary

Department of Agrarian Reform
Office of the Secretary



ISU-16-01003

Published in two (2) National Newspaper
of General Circulation

1. Malaya
2. Manila Times

Date of Publication: March 5, 2018

DEPARTMENT OF AGRARIAN REFORM

CANCELLATION FORM NO. 1

A.O. NO. _____, SERIES OF 2018

TEMPLATE

APPLICATION FOR CANCELLATION

I, _____, Filipino, of legal age, married/single, with resident at _____, do hereby request for the Cancellation of the following titles, thus:

| EP/CLOA/TITLE No. | REGISTER OF DEEDS | AREA | REGISTERED OWNER | LOCATION |
|-------------------|-------------------|-------|------------------|----------|
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |

A. Based upon the existence of a Final and Executory Decision in

Docket No.: _____

Case Title: _____

Parties: _____

Office/Court: _____

Date of Decision: _____

Date of Finality: _____

OR

B. Based upon the need to correct the entries in the aforesaid titles which do not affect the identity or number of agrarian reform beneficiaries or the size and scope of the landholdings under the said title.

OR

C. Based upon the transfer of title on the basis of a conveyance approved through a valid DAR transfer clearance

OR

D. Based upon the motion of the petitioner/s or the parties to withdraw the Cancellation Action.

I am hereby attaching the following documents to support my request:

- 1.0. Certified True Copy of the Decision of the Court/Office.
- 2.0. Certification that the Decision has become Final and Executory issued by the Court/Office.
- 3.0. The Motion to Dismiss or Withdraw in Case No. _____ pending at _____ docketed as _____.
- 4.0. The DAR Transfer Clearance
- 5.0. The Corrected Technical Description of the concerned EP/CLOA/Agrarian Reform Title certified as true and correct by the BLTI.
- 6.0. The most recent certified true copy of the subject EP/CLOA/other title.
- 7.0. Proof of receipt by the registered owner/s of the EP/CLOA or other title of the Application for Cancellation.

I hereby certify under oath that all statements I made in this request are true and correct based on my personal knowledge and that all documents attached are authentic.

Name: _____

Signature: _____

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2018 in _____, Philippines.

Doc. No. _____

Page No. _____

Book No. _____

Series of 2018.

Notary Public

DEPARTMENT OF AGRARIAN REFORM
CANCELLATION FORM NO. 2
A.O. NO. _____, SERIES OF 2018

TEMPLATE

PARPO II ACKNOWLEDGMENT RECEIPT

I have examined the application form and the attachments and found them compliant with the requirements under the Rules of Summary Procedure.

The Request for Cancellation has Cancellation Application Number:

03-18-001 (Region-Year-0001)

I acknowledge receipt of the following documents:

- ___ 1. The Certified True Copy of the Decision in the case docketed as _____ before the Court/Office _____ and signed by _____.
- ___ 2. The Certification that the Decision has become Final and Executory on _____ as certified by _____ of the Court/Office of _____.
- ___ 3. The Motion to Dismiss/Withdraw the Cancellation Action signed by the petitioner/s or all parties in Case No. _____ and docketed as _____.
- ___ 4. The DAR Transfer Clearance indicating date of issuance and issuance number.
- ___ 5. The Corrected Technical Description approved by the BLTI.
- ___ 6. The most recent certified true copy of the subject EP/CLOA/other title.
- ___ 7. Proof of receipt by the registered owner/s of the EP/CLOA or other title of the Application for Cancellation.

I certify that I received the Application Form and the attachments on _____ at _____ AM/PM

Name of PARPO II: _____

Date: _____

Signature: _____

DEPARTMENT OF AGRARIAN REFORM
CANCELLATION FORM NO. 3
A.O. NO. _____, SERIES OF 2018

TEMPLATE

PARPO II RECOMMENDATION

The undersigned hereby recommends the Cancellation of the following titles (Withdrawal of the Cancellation Case):

| EP/CLOA/TITLE No. | REGISTER OF DEEDS AREA | REGISTERED OWNER | LOCATION |
|-------------------|------------------------|------------------|----------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

The recommendation is based on the determination that the aforesaid titles must be cancelled to comply with the Decision in the following case:

Docket No.: _____

Case Title: _____

Office/Court: _____

Date of Decision: _____ (Excluded if recommendation is

Date of Finality: _____ to terminate case upon joint motion)

The recommendation is based upon the following documents:

1. Certified True Copy of the Decision
2. Certification of Finality of the Decision
3. (Motion to Dismiss the Case)
4. The most recent certified true copy of the subject EP/CLOA/other title.
5. Proof of receipt by the registered owner/s of the EP/CLOA or other title, of the Application for Cancellation

The recommendation is based on the approved transfer of title on the basis of DAR Transfer Clearance dated _____ with Issuance No. _____

Certified true and correct.

Name of PARPO II: _____

Date: _____

Signature: _____

DEPARTMENT OF AGRARIAN REFORM
CANCELLATION FORM NO. 3A
A.O. NO. _____, SERIES OF 2018

TEMPLATE

PARPO II RECOMMENDATION

The undersigned hereby recommends the Cancellation of the following titles/withdrawal of the Cancellation Case:

| EP/CLOA/TITLE No. | REGISTER OF DEEDS | AREA | REGISTERED OWNER | LOCATION |
|-------------------|-------------------|-------|---------------------|----------|
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |

The recommendation is made based on the need to change the technical description in the aforesaid titles in the following manner:

Title No. 1 _____

Title No. 2 _____

Title No. 3 _____

The recommendation is based upon the New and Approved Technical Description(s) provided by the BLTI which is attached to the Application for Cancellation.

Certified true and correct.

Name of PARPO II: _____

Date: _____

Signature: _____



DEPARTMENT OF AGRARIAN REFORM
CANCELLATION FORM NO. 4
A.O. NO. _____, SERIES OF 2018

TEMPLATE

ORDER OF CANCELLATION

This is to certify that the following title/s bearing the following descriptions, thus:

Title No.: _____
Issued by: _____
Location: _____
Area: _____
Owner: _____

is/are hereby being CANCELLED on the basis of the following ground/s:

1.0. Final and Executory ALI Case

Case No.: _____
Title: _____
Office/Court: _____
Date of Decision: _____
Date of Finality: _____
(Based on documents attached to Cancellation Form No. _____)

OR

2.0. Change in Technical Description as approved by the BLTI which does not affect the number or identities of ARBs or the area and location of the landholdings based on the documents attached to Cancellation Form No. _____.

OR

3.0. Issuance of new title due to a conveyance on the basis of a DAR Transfer Clearance dated _____ with Issuance No. _____

OR

4.0. This is to certify that Case No. _____ entitled _____ before _____ is hereby being dismissed on the basis of Motion to Withdraw the Action filed by the petitioner/s or the parties (Based on the documents attached to Cancellation Form No. _____).

The PARPO II is hereby instructed to furnish a copy of the Order of Cancellation to the Agrarian Reform Beneficiaries adversely affected by the cancellation of the title.

Secretary



REPUBLIC OF THE PHILIPPINES

DEPARTMENT OF AGRARIAN REFORM

Tunay na Pagbabago sa Repormang Agraryo

CERTIFICATION

This is to certify that Administrative Order No. 2, Series of 2018 entitled **“2018 OMNIBUS SUMMARY RULES FOR CANCELLATION CASES OF EMANCIPATION PATENTS, CERTIFICATES OF LAND OWNERSHIP AWARDS AND OTHER TITLES ISSUED UNDER ANY AGRARIAN REFORM PROGRAM”** was published today, 05 March 2018 in the Malaya and Manila Times newspapers.

Issued this 5th day of March 2018 for whatever purpose it may serve.

LEOMIDES R. VILLAREAL

Director IV, Public Assistance and
Media Relations Service (PAMRS) and
Concurrent Director of External Affairs
Relations Service (EARS)