

Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM

ELLIPTICAL ROAD, DILIMAN, QUEZON CITY • TELS. 928-7031 TO 39

ADMINISTRATIVE ORDER NO. 08
Series of 2016

SUBJECT: GUIDELINES GOVERNING THE COMPLETION OF DISTRIBUTION AND TITLING OF LANDED ESTATES UNDER RA NO. 3844, AS AMENDED, TURNED-OVER BY THE LAND BANK OF THE PHILIPPINES TO THE DEPARTMENT OF AGRARIAN REFORM

PREFATORY STATEMENT

The Department of Agrarian Reform (DAR) is mandated under Republic Act (RA) No. 9700¹ to complete the distribution of all remaining undistributed lands covered under the agrarian reform program. These include landed estates acquired by the government and financed by the Land Bank of the Philippines (LBP) under RA No. 3844², as amended.

In consonance with the mandate of RA No. 6657³, as amended, and Executive Order (EO) No. 407⁴, the LBP has turned-over to the DAR the remaining landed estates under RA No. 3844 through a Deed of Transfer (DOT) dated November 27, 2014 (See RA 3844 LE Annex A) supported by the following documents: summary schedule of landed estates with corresponding original duplicate copies of LBP titles, title numbers, survey plan numbers, lot numbers, acquisition cost, names of allocatees/awardees and the selling price/s by lot, and survey plans with technical descriptions (TDs), for allocation documentation and titling to the qualified beneficiaries by the DAR.

To facilitate the issuance of Certificate of Land Ownership Award (CLOA) in favor of the agrarian reform beneficiaries (ARBs) pursuant to RA No. 6657, as amended, the following guidelines are hereby issued.

¹ "An Act Strengthening the Comprehensive Agrarian Reform Program (CARP), Extending the Acquisition and Distribution of All Agricultural Lands, Instituting Necessary Reforms, Amending for the Purpose Certain Provisions of Republic Act No. 6657, Otherwise Known As the Comprehensive Agrarian Reform of 1988, As Amended, and Appropriating Funds Therefor"

² Agricultural Land Reform Code, entitled "An Act to Ordain the Agricultural Land Reform Code and to Institute Land Reforms in the Philippines, including the Abolition of Tenancy and the Channeling of Capital into Industry, Provide for the Necessary Implementing Agencies, Appropriate Funds Therefor and for Other Purposes"

³ "An Act Instituting A Comprehensive Agrarian Reform Program to Promote Social Justice and Industrialization, Providing the Mechanism for Its Implementation, and for Other Purposes"

⁴ "Accelerating the Acquisition and Distribution of Agricultural Lands, Pasture Lands, Fishponds, Agro-Forestry Lands and Other Lands of the Public Domain Suitable for Agriculture"

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SECTION 1. Coverage

These guidelines shall govern the distribution and titling of lots in favor of qualified beneficiaries in landed estates acquired and financed by LBP under RA No. 3844, as amended.

SECTION 2. Definition of Terms.

For purposes of this AO, the following terms are hereunder defined:

- 2.1 ***Certificate of Land Transfer (CLT)*** - refers to the document issued by DAR recognizing the farmer-applicant to become a qualified awardee, which was replaced by an Order of Award (OA).
- 2.2 ***Certificate of Land Ownership Award (CLOA)*** - refers to a document evidencing ownership of the land granted or awarded to the beneficiary by DAR and contains the restrictions and conditions provided for in RA No. 6657, as amended, and other applicable laws.
- 2.3 ***Deed of Transfer (DOT)*** - refers to the document executed by the LBP and DAR in turning over the remaining landed estates acquired by the government and financed by LBP under RA No. 3844, as amended, and in accordance with EO No. 407.
- 2.4 ***Order of Award (OA)*** - refers to the document issued by DAR recognizing the farmer-applicant to become a qualified awardee under RA No. 3844, as amended, in lieu of CLT pursuant to DAR Memorandum Circular (MC) No. 24, Series of 1973⁵.

SECTION 3. Qualifications of farmer-applicants (new applicants and re-allocates)

3.1 For a farmlot, he/she must be:

- 3.1.1 Filipino citizen, at least fifteen (15) years old of age at the time of filing of the application;
- 3.1.2 Landless who owns not more than three (3) hectares of agricultural land;
- 3.1.3 A bonafide farmer as defined under par. (f) Sec. 3 of RA No. 6657 and has the willingness, ability and aptitude to cultivate and make the land productive.

In the case of married applicants, the award should not result in the beneficiary and his/her spouse owning more than three (3) hectares.

3.2 For a homelot, he/she must be:

- 3.2.1 Filipino citizen, at least fifteen (15) years old of age at the time of filing of the application; and

⁵ "Guidelines in the Issuance of Certificates of Land Transfer to Beneficiaries in Agricultural Landed Estates and DAR Settlement Project"



3.2.2 Neither he/she or his/her spouse is not an owner/awardee of any residential lot or homelot.

SECTION 4. Policy Statements

4.1 Pursuant to Section 98 of RA No. 3844⁶, as amended, the transfer of title of the landed estates acquired and financed by LBP that were turned-over to DAR shall not be imposed or charged tax of any kind. Therefore, the ROD concerned shall undertake its ministerial duty for the registration, issuance, and cancellation of titles relative to the transfer of the subject lands without requiring the submission of tax declaration and tax clearance.

4.2 Qualified awardee/allocatee/actual tiller/claimant/ applicant may be awarded:

4.2.1 An area not exceeding three (3) hectares of farmlot of the agricultural land, which may cover a contiguous tract of land or several parcels of land; and

4.2.2 One (1) homelot not exceeding One Thousand (1,000) square meters.

4.3 An excess area beyond the award ceiling in farmlot and homelot shall be awarded to other qualified applicants.

However, an awardee/allocatee of a farmlot who has been previously issued an OA or CLT before June 15, 1988 or a registered allocatee approved by the Secretary before June 15, 1988 as reflected in the masterlist on file at DAR Provincial Office (DARPO) and Bureau of Land Tenure Improvement (BLTI) and remains in possession of the land shall be entitled to the allowable award limit of not more than six (6) hectares pursuant to Sec. 16 (b) of RA No. 6389⁷ amending Sec. 51 of RA No. 3844.

4.4 Awardee/allocatee or his/her heir with OA or CLT shall be issued CLOA, provided, that:

4.4.1 awardee/allocatee or his/her heir is still in actual possession and/or cultivation of the land;

4.4.2 there is/are no adverse claimant/s on the subject lot;

⁶ SECTION 98. – Tax Exemptions. – (Amended by the Presidential Decree No. 338) – The Land Bank shall be exempt from all national, provincial, municipal and city taxes and assessments now enforced or herein after established.

The exemption authorized in the preceding paragraph of this Section shall apply to all property of the Bank, to the resources, receipts, expenditures, profits and income of the Bank as well as to all contracts, deeds, documents and transactions related to the conduct of the business of the Bank: Provided, however, That said exemptions shall apply only to such taxes and assessments the Bank itself would otherwise be liable and shall not apply to taxes or assessments payable by persons or other entities doing business with the Bank.

⁷ "An Act Amending Republic Act Numbered Thirty Eight Hundred and Forty-Four, As Amended, Otherwise Known as The Agricultural Land Reform Code, and For Other Purposes"



- 4.4.3 there is/are no conflict of claim/s filed in the Court or any appropriate body or Tribunal; or
- 4.4.4 there is no OA or CLT issued in favor of others.
- 4.5 Re-allocation of lots covered by OAs/CLTs shall be in accordance with the following:
- 4.5.1 In case of death of the awardee/allocatee, his/her heir/s shall likewise be entitled to the same award as his/her/their predecessors.
- 4.5.2 In case the OA/CLT issued to an awardee/allocatee is cancelled by the DAR due to abandonment, voluntary surrender to the government, and other violation of agrarian reform (AR) laws, the award to the new qualified applicant shall not exceed the allowable limit as provided under Section 4.2 of this AO.
- 4.6 Awardee/allocatee or qualified applicant who owns agricultural land below the award ceiling as provided for under RA No. 6657, as amended, may still apply provided that the combined area owned/awarded and that being applied for shall not exceed three (3) hectares.
- 4.7 In case of hereditary succession, the CLOA shall be issued in the name of the heir/s of the deceased awardee/allocatee in accordance with existing pertinent guidelines.
- 4.8 In general, a CLOA shall be immediately issued to the qualified ARB and shall be registered with the ROD, provided that, all outstanding accounts of the ARB shall be annotated as lien in favour of LBP at the back of the CLOA and the PARPO concerned shall affix his/her initial.
- 4.9 On the basis of the land value established by LBP pursuant to RA No. 3844, the ARB shall pay the total cost of the subject lot to the LBP, in instalment not exceeding twenty five (25) years at six percent (6%) per annum unless the ARB opts to accelerate payment.
The payment of land amortization shall commence one (1) year from the date of registration of CLOA.
- 4.10 Advance payments to the LBP made by the awardee/allocatee for lands already covered by OA/CLT as supported by receipts or other documentary evidence, shall be considered as farmer's advance remittance (FAR).
- 4.11 ARBs shall have the obligation to pay the real property taxes (RPT) due on their awarded lands which shall start from the registration of the CLOA.
- 4.12 Deliberate non-payment of three (3) annual amortizations from the date of the registration of the CLOA shall be a ground for the disqualification and the foreclosure of the awarded lot of the ARB, provided, however, that the child/ren or the spouse of the ARB shall have the right to repurchase the land from the government or the LBP within a period of two (2) years from the date of foreclosure.
- 4.13 The awardee/allocatee who illegally sells, transfers, or abandons the awarded lands or surrenders his/her rights in favour of the government shall be disqualified to become

beneficiary under any agrarian reform program and shall be a ground for the cancellation of his/her right over the land in accordance with the applicable provisions of AO No. 7, Series of 2014⁸.

The lot subject of the cancellation shall be declared vacant and open for disposition/distribution to other qualified beneficiary/applicant.

Advance payments made on the account of the lot subject of cancellation of award shall be forfeited in favor of the government and treated as rental for the use of the land and the new awardee/allocatee shall pay the total cost of the lot pursuant to RA No. 3844, however, in case of hereditary succession, the payments made by the deceased awardee/allocatee shall be credited in favor of his/her heirs.

- 4.14 All registered CLOAs shall be released by the ROD to LBP as the mortgagee financing institution. The LBP shall provide certified true copies of the CLOAs to ARBs concerned through the DARPO in accordance with Section 107 of AO No. 7, Series of 2011⁹, as amended.
- 4.15 Upon full payment of the total amortization, a Certificate of Full Payment (CFP) with Release of Real Estate Mortgage (ROREM) shall be issued to the ARB concerned by the LBP which shall be the basis for the cancellation of the lien/encumbrance annotated on the CLOA pursuant to DAR-LBP MC No. 19, Series of 2013¹⁰.
- 4.16 In the event that a subdivision survey is conducted, access roads/right of way shall be provided on the subject landed estate and shall likewise be delineated/reflected in the Approved Subdivision Plan (ASP).

The said access road/right of way shall be titled in the name of the Republic of the Philippines through the DAR which shall not be included in the ARBs' amortization.

- 4.17 For purposes of this AO, the Municipal Agrarian Reform Program Officer/Provincial Agrarian Reform Program Officer (MARPO/PARPO) who has direct jurisdiction over the landed estates acquired under RA No. 3844 is hereby authorized to administer oath for free on the Application to Purchase Lot filed by the new farmer/applicant.

SECTION 5. General Procedures

- 5.1 Registration of the original DOT dated November 27, 2014, (Refer to RA 3844 LE Annex A) executed between the LBP, as transferor and the Republic of the Philippines, as transferee, represented by the DAR.

⁸ "Revised Rules Governing Cancellation of Registered Emancipation Patents (EPs), Certificates of Land Ownership Award (CLOAs) and Other Titles Issued Under the Agrarian Reform Program

⁹ "Revised Rules and Regulations Governing the Acquisition and Distribution of Private Agricultural Lands Under Republic Act (RA) No. 6657, as Amended"

¹⁰ "Guidelines on the Issuance of Certificates of Full Payment and Release of Real Estate Mortgage by the LBP to Agrarian Reform Beneficiaries"



- 5.1.1 The DAR-BLTI shall forward the original DOT together with the pertinent documents received from LBP Head Office to the Registry of Deeds (ROD) of San Fernando, Pampanga to PARPO of Pampanga.
- 5.1.2 The PARPO-Pampanga shall request the ROD of San Fernando, Pampanga to register the DOT and issue RP title/s as far as the LBP titles in Pampanga are concerned.
- 5.1.3 Upon registration of the original DOT, the ROD of San Fernando, Pampanga shall, issue certified copies of the DOT to the other RODs concerned in Pangasinan, Bulacan, Tarlac, Nueva Ecija, Occidental Mindoro, Camarines Sur and Misamis Oriental.
- 5.1.4 The ROD concerned where the landed estates are located shall:
 - 5.1.4.1 register the duly certified copy of the DOT;
 - 5.1.4.2 cancel the corresponding LBP Titles;
 - 5.1.4.3 issue Transfer Certificate of Title (TCT) in the name of the Republic of the Philippines (RP); and
 - 5.1.4.4 provide the Owner's Duplicate Copy (ODC) of the RP title to the DARPO concerned as basis for the generation of CLOA/s.

5.2 Conduct of Ground Validation/Inventory

- 5.2.1 Upon receipt of the registered certified true copy of DOT, and the ODC of the RP title from the ROD concerned, the DARPO shall provide copy of the registered certified true copy of the latter to the LBP-AOC for record purposes, and instruct the MARPO/Designated Personnel to conduct ground validation/ inventory including the following activities:
 - 5.2.1.1 Gather and review available documents such as master list of awardee/allocatee, report/s of screening of qualified applicants, control book, survey plans, OAs, CLTs, and Cancellation of OAs/CLTs, if any;
 - 5.2.1.2 Determine the actual status of the landed estates turned-over by the LBP as to:
 - a. vacant or un-awarded lots, and lots declared vacant through an Order of Cancellation;
 - b. awarded lots with OAs or CLTs where:



- b.1 awardees/allocatees or heirs are still in possession/actual occupancy of the awarded lot/s;
- b.2 original awardees/allocatees are no longer in actual possession of the awarded lots;
- c. lots with actual occupants without OAs or CLTs;
- d. lots subject for further subdivision survey and allocation;
- e. lots intended and classified for public purposes such as school site, market site, cemetery site, hospital site, barangay site and other sites for public purposes; and
- f. lots originally awarded to an allocatee/awardee but erroneously occupied by another beneficiary

5.2.2 The DARMO/Designated Personnel shall prepare and submit to the DARPO a field validation/verification report with recommended actions together with the list of occupants/claimants/awardees/allocatees with the corresponding lot numbers, as basis/reference for the identification, screening and selection of awardees/beneficiaries, copy furnished the DAR Regional Office (DARRO) and DAR-BLTI for reference and record purposes.

5.3 For vacant/un-awarded lots or lots declared vacant

5.3.1 The DARMO/Designated Personnel shall:

5.3.1.1 If the recommended actions are favourable and pertinent documents are in order, screen and select qualified awardees/allocatees and conduct subdivision survey pursuant to pertinent existing guidelines.

5.3.1.2 Prepare and submit the Land Distribution Folder (LDF) to the DARPO. The LDF shall contain the following documents:

- a. Application to Purchase Lot (RA 3844 LE Form No. 1);
- b. Pinagsamang Salaysay/Joint Affidavit (RA 3844 LE Form No. 2);
- c. Patalastas/Notice to Applicants to Purchase Lot (RA 3844 LE Form No. 3);
- d. Certificate of Posting Compliance (RA 3844 LE Form No. 4); and
- e. MARPO's Investigation Report (RA 3844 LE Form No. 5)
- f. Certification (RA 3844) Form No. 6

5.3.2 The DARPO shall evaluate the completeness and accuracy of the LDF and verify the record of the subject lot against the record on file of the applicant. If in order, issue CLOA under his/her name in accordance with pertinent guidelines.

In case the cost of the lot is not yet fully paid, annotate the encumbrance at the back of the CLOA to be signed by the PARPO. He shall also affix his/her initial on the CLOA (below the DAR Secretary's name).

5.4 For lots covered with OAs or CLTs and whose awardees/allocatees are still in actual possession of the awarded lot

5.4.1 The DARMO/Designated Personnel shall:

5.4.1.1 Request the awardee/allocatee to submit original copy of OA/CLT and determine the authenticity of the land award presented;

5.4.1.2 Conduct ocular inspection/investigation on the subject lot to determine whether the awardee/allocatee is still in actual possession of the lot; and

5.4.1.3 Prepare the Investigation Report (Form No. 6) with concomitant comments and recommendation and submit the original copy of OA or CLT of the awardee/allocatee to the PARPO for appropriate action.

5.4.2 The DARPO shall, generate the CLOA in accordance with Section 5.3.2 hereof, if the recommendations are favorable.

SECTION 6. Miscellaneous Provisions

6.1 The ROD shall continue to register and issue a new TCT in favor of the beneficiary in case the allocated/awarded lots have already been issued a Deed of Absolute Sale (DAS) by the LBP prior to the turn-over of landed estates to the DAR.

6.2 The disposition of lots within landed estates intended and classified for public use such as public market, school site, hospital site and other sites for public use but found out to have changed its land use into other purposes (i.e. currently used as residential) prior to the effectivity of this AO shall be disposed of, in accordance with the pertinent provisions of DAR AO No. 1, Series of 1992.¹¹

6.3 The disposition of lots for public purposes or earmarked or delineated in the approved subdivision survey (ASP), as public school site, public market site, public cemetery site,

¹¹ "Revised Rules and Procedures Governing the Disposition of Homelots and Other Lots in Barangay Sites and Residential, Commercial and Industrial Lots in Townsites Under DAR Settlement Projects and Similar Other Areas Under DAR Jurisdiction"

barangay site and other sites for public use shall be disposed and documented in favour of government agencies concerned in accordance with DAR A.O. No. 4, Series of 2006¹².

- 6.4 Disposition/award of lots intended for public use as indicated/identified in the ASP in favour of any person as private corporation/entity such as church site, school site, hospital site, market site and other private purposes may be sold upon the final determination of the DAR, if warranted. The cost of the subject lot shall be paid in full and the DAS shall be issued to the private corporation/entity by the DAR as basis for the ROD to issue the corresponding regular title.

SECTION 7. Monitoring and Reporting

The monitoring of the status of distribution and other related activities in landed estates at all levels shall be through the DAR Operations Tool (OpTool) Database.

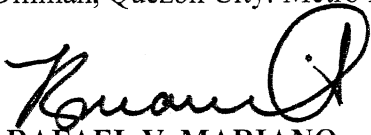

SECTION 8. Repealing Clause

All orders and other issuances or portions thereof that are inconsistent herewith are hereby accordingly repealed, modified or amended.

SECTION 9. Effectivity

This Order shall take effect ten (10) days after its publication in two (2) newspapers of general circulation pursuant to Section 49 of RA No. 6657, as amended.

Diliman, Quezon City. Metro Manila. AUG 26, 2016.


RAFAEL V. MARIANO
Secretary 

Published in two (2) National Newspaper
Of General Circulation:
1. Manila Times
2. BusinessWorld
Date of Publication September 7, 2016

¹² "Revised Guidelines Governing the Turn-over of Lots Allocated for Public Use and/or Actually Utilized for Public Purpose Within DAR Administered Landed Estates and Settlement Projects and Lands Acquired Under Executive Order No. 449 in Favor of Government Agencies concerned"

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Department of Agrarian Reform
Office of the Secretary

ISU-16-03865
8/26/2016

¹² "Revised Guidelines Governing the Turn-over of Lots Allocated for Public Use and/or Actually Utilized for Public Purpose Within DAR Administered Landed Estates and Settlement Projects and Lands Acquired Under Executive Order No. 449 in Favor of Government Agencies concerned"

INDEX OF ANNEX AND FORMS

RA 3844 LE ANNEX A : Copy of Deed of Transfer (DOT) Executed By the Land Bank of the Philippines Transferring the completion and Distribution and Titling of Landed Estates Under RA No. 3844, As Amended, to the Department of Agrarian Reform with attached Schedule of RA 3844 Properties Transferred to DAR by LBP

Forms :

RA 3844 LE Form No. 1	Application to Purchase Lot
RA 3844 LE Form No. 2	Sinumpaang Salaysay/Joint Affidavit
RA 3844 LE Form No. 3	Patalastas/Notice
RA 3844 LE Form No. 4	Certificate of Posting Compliance
RA 3844 LE Form No. 5	MARPO's Investigation Report
RA 3844 LE Form No. 6	DARRO/DARPO Certification that the Subject Lot/Land is Free from Adverse Claim



Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM

CERTIFICATION

This is to certify that Administrative Order No. 8, Series of 2016 entitled **“GUIDELINES GOVERNING THE COMPLETION OF DISTRIBUTION AND TITLING OF LANDED ESTATES UNDER RA NO. 3844, AS AMENDED, TURNED-OVER BY THE LAND BANK OF THE PHILIPPINES TO THE DEPARTMENT OF AGRARIAN REFORM”** was published today, 07 September 2016 in the Manila Times and BusinessWorld newspapers.

Issued this 7th day of September 2016 for whatever purpose it may serve.

SYLVIA F. MALLARI

Concurrent OIC-Director for
Public Assistance and Media
Relations Service