Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM

Administrative Order No. 08
Series of 2008

SUBJECT : Revised Guidelines and Procedures Governing the Substitution of Beneficiaries of Lands within Landed Estates Acquired by the Department of Agrarian Reform under Republic Act No. 3844, as Amended, and for Other Purposes

ARTICLE I
PREFATORY STATEMENT

Landed estates under R.A. No. 3844 as amended, were acquired and distributed by the government way back in 1963 to 1972 but a substantial number of these beneficiaries are no longer in possession of the land allocated or awarded to them due to, among others, abandonment, waiver of rights, and illegal transfer or sale of rights.

Limitation on land rights as provided for in R.A. No. 3844 as amended by R.A. No. 6389, para. 15, Section 16, provides that all agricultural lands either public or private, distributed by the government to the beneficiaries of the Agrarian Reform Program shall be sold only by the said beneficiaries to the government.

The same Code likewise provides the prohibition for further subdivision of awarded lot purposely to maintain the economic viability of agricultural lands (Sec. 63, R.A. No. 3844).

It is this context that necessitates the formulation of policy and procedures to ensure the proper disposition of previously awarded lands to new beneficiaries to fast tract the issuance of new titles to align with the applicable provisions as provided for by the new law, particularly R.A. No. 6657, as amended.

In view therefore, these new policy guidelines and procedures are hereby adopted.

ARTICLE II
POLICY STATEMENT

1. Except through hereditary succession to one heir, the sale, transfer, or waiver rights of lands covered by this Order shall be made only in favor of the government.

2. Award to the beneficiary who violated the applicable provision of the law and its rules and regulations, or those who voluntarily waived their rights to the government, shall be cancelled and whatever payments made on account of the lot subject of cancellation shall be forfeited in favor of the government and shall be treated as rental for the use of the land, and the land shall be declared open for disposition to other qualified farmer/applicant.

3. Farmers as defined under para. (F), Section 3 of R.A. No. 6657 shall be given the preference to apply for the lands covered by this Order. Employees of the Department of Agrarian Reform and other government agencies, as a policy, shall be prohibited directly or indirectly to acquire lands covered by this Order or in any lands under the Agrarian Reform Program, except where the parents of the applicant were original tenant or allocatee/awardee of lands subject of application. For government agencies, the provisions of DAR Administrative Order No. 04, series of 2006 shall apply.

4. The maximum area to be awarded to the new beneficiary shall not exceed three (3) hectares of farm lot, and one thousand (1,000) square meters of home lot. In case where the area applied for exceed the maximum limit, the tolerable limit of 10% in excess as provided for under A.O. No. 03, series of 1985 shall apply. However, an allocate or qualified registered claimant before 1972 who has not yet been issued a CLT or Order of Award and who remains in possession of the land shall be entitled to the maximum award prescribed under R.A. No. 3844.

5. Agrarian reform beneficiaries or qualified farmer/applicant who owns agricultural land below the award ceiling as provided for under R.A. No. 6657 may still apply as beneficiary under this Order provided that the combined area owned/awarded and that being applied for shall not exceed three (3) hectares.

6. Awardees or beneficiaries of the agrarian reform program who illegally sold, transferred, abandoned, or waived their rights to the land awarded to them shall no longer be eligible to apply for lands covered by this Order.

ARTICLE III
GENERAL PROVISIONS

SECTION 1. Coverage. This Order shall cover the substitution of awardee/beneficiary and the issuance of Order of Award in Landed Estates acquired under R.A. No. 3844, as amended, over which the previous CLT/CLOA/Order of Award has been cancelled by final order of the competent authority, and lands within landed estates not yet awarded and distributed.

SEC. 2. Qualifications of Applicant. An applicant for a farmlot must be:

a. a Filipino citizen, at least 18 years of age at the time of filing of the application;
b. Landless as defined under Sec. 25 of R.A. No. 6657;
c. a bonafide farmer as defined under para. (F), Sec. 3 of R.A. No. 6657 and has the willingness, ability and aptitude to cultivate and make the land productive;
d. if married, his/her spouse is not an owner or awardee of agricultural land except in cases where the area does not exceed the award ceiling including the area of the lot subject of the application

An applicant for a farmlot, or an awardee/allocate of a farmlot may likewise apply for a homelot provided that he/she must be:

a. a Filipino citizen at least 18 years of age at the time of filing of the application;
b. neither he/she or his/her spouse is an owner/awardee of any residential lot or homelot;
c. preferably a farmer by occupation.

SEC. 3. Operating Procedures.

a. The applicant shall accomplish and submit to the MARO the Application to Purchase Lot (Form No. 1) in five (5) copies duly sworn to before the Municipal Agrarian Reform Officer, together with the following documents:

1. Certificates of landholdings in the name of the applicant and spouse, if married, issued by the Municipal/City and Provincial Assessors' Office;

2. Joint Affidavit of applicant and spouse regarding the extent of their landholdings (Form No. 2);

3. BARC Chairman or Barangay Chairman Certification attested by the MARO certifying that the applicant is a bonafide farmer who derives his livelihood primarily from farming (Form No. 3).

b. The Municipal Agrarian Reform Office (MARO) shall:

1. Evaluate the documents submitted and verify the record of the lot;

2. Conduct lot inspection and investigation and determine whether or not the applicant is qualified to acquire the lot;

3. Post the Notice of Application (Form No. 1-A) for 15 days at the MARO and barangay hall and thereafter, if there is no protest to the application filed, issue a certification to that effect;

4. Prepare the Sketch of the Lot (Form No. 4) indicating therein the area subject of the application, improvements, and previous awardee/allocattee, if any, thereof;

5. Prepare the Investigation Report (Form No. 5) with his/her comments and recommendation; and,

6. After retaining the file copies of the documents, forward the Application to Purchase Folder (APF), which contains all the documents to the PARO, for review.

c. The Provincial Agrarian Reform Office (PARO), shall:

1. Review the documents submitted in the APF and verify the record of the subject lot;

2. Issue Legal Clearance (Form No. 6) whether or not the lot subject of the application is involved in any adverse claim/conflict or has a pending case;

3. If in order, prepare the Order of Award (Form No. 7) affixing the initial of the Provincial Agrarian Reform Program Officer;

4. After retaining the file copies, forward the APF to the Regional Office with comments and recommendations, for further review, and final action.

d. The Regional Agrarian Reform Office (RARO) shall:

1. Review the documents submitted in the APF and verify the record of the subject lot;

2. Issue the Legal Clearance (Form No. 8) and in case where the lot subject of the application had been involved in a cancellation proceeding, indicate in the same form whether or not the Order has become final and executory, and attach the certified copy of the Order of Cancellation, original copy of the cancelled Certificate of Land Transfer (CLT) or cancelled Order of Award, or the Waiver of Rights executed by the former awardee and/or the report leading to the cancellation.

3. Verity the correctness of the Sketch Plan based on the approved Plan certified by the Chief, Surveys Division;

4. If the application finds merit, the Regional Director and issue and sign the Order of Award and forward the same together with the APF to the Records Division for proper disposition.

e. The RARO Records Division shall:

1. Assign the Control Number to the approved Order of Award and distribute the copies in the following order:

a) Original Copy - to the Awardee
b) Duplicate Copies each to the following:

i. DAR Regional Office
ii. DAR Provincial Office
iii. DAR Municipal Office
iv. Land Bank of the Philippines
v. BLAD-DARCO
vi. RMD-DARCO

2. Maintain and safekeep the APF for future reference.

f. The awardee shall:

1. Submit to the LBP-FO the original copy of the Order of Award or CLT together with the request for the computation of the cost of the awarded land.

2. Pay the cost of the lot in installment or cash basis for issuance of CTS or DAS, as the case maybe, by the LBP.

g. The LBP shall:

1. Collect land amortization payments and prepare the necessary CTS or DAS in case of full payment for signature of the LBP authorized official;

2. Upon full payment, the LBP through its authorized representative, issue the DAS and owner's duplicate copy of the TCT to the awardee for registration and issuance of a new TCT.

ARTICLE IV
FINAL PROVISIONS

SEC. 1. Miscellaneous Provisions. For purposes of this Order, the Municipal Agrarian Reform Officer who has direct jurisdiction over landed estates acquired under R.A. No. 3844, is hereby authorized to administer the Oath on the Application to Purchase filed by the farmer/applicant.

Waiver of Rights executed by the allocatee, awardee or beneficiary, shall be verified before a Notary Public.

The Regional Director is authorized to issue permit to further subdivide the lot, provided that the economic viability of subject land shall be maintained.

SEC. 2. Suppletory Provisions. The Regional Director concerned shall continue to exercise the authority to cancel, amend, and/or make necessary correction through the issuance of the Order of Cancellation/Amendment of Certificate of Land Transfer, Order of Award, or allocation of farmer beneficiaries who violated the rules and regulations, other grounds and reasons that necessitate action pertaining thereto, provided that due process has been properly observed, pursuant to the applicable provisions of DAR A.O. No. 3, series of 1990, as amended, and A.O. No. 3, series of 2003.

SEC. 3. Amendatory/Repealing Clause. All other Orders, Circulars, and Regulations inconsistent herewith are hereby modified or repealed accordingly.

SEC. 4. Effectivity. This Order takes effect ten (10) days after its publication in two (2) newspapers of general circulation.

Diliman, Quezon City, 25 September 2008.

NASSER C. PANGANDAMAN
Secretary

Department of Agrarian Reform
Office of the Secretary

AO-08-01219

Published in two (2) National Newspapers
of general Circulations:
1. The Philippine Star
2. Business World
Date of Publication - September 29, 2008

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

CERTIFICATION

This is to certify that DAR Administrative Order No. 08, Series of 2008 entitled **"REVISED GUIDELINES AND PROCEDURES GOVERNING THE SUBSTITUTION OF BENEFICIARIES OF LANDS WITHIN LANDED ESTATES ACQUIRED BY THE DEPARTMENT OF AGRARIAN REFORM UNDER REPUBLIC ACT NO. 3844, AS AMENDED, AND FOR OTHER PURPOSES"** is published today, Monday, 29 September 2008 at The Philippine Star and Business World newspapers.

Issued this 29th day of September 2008 for whatever purpose it may serve.

HUGO D. YONZON III
Director, Public Affairs Staff

Form No. 1

Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM
Diliman, Quezon City

APPLICATION TO PURCHASE LOT
(R.A. 3844 Acquired Estates)

I, _____, hereby apply to purchase lot/s in _____, Estate, located at _____.

PERSONAL and RELATED DATA: (Please answer/fill-out all question/blank spaces provided)

Age: _____ Present Address: _____
Date & Place of Birth: _____
Civil Status: _____ Name of Spouse _____
Occupation: _____ Occupation:_____

CHILDREN/DEPENDENTS:

Name	Age	Relationship	Occupation
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Lot/s applied for:

A. Farmlot No. _____
Block No. _____
Plan No. _____
Area (sq.m.) _____
Location: _____

B. Homelot No. _____
Block No. _____
Plan No. _____
Area (sq.m.) _____
Location: _____

OTHER INFORMATION:

1. Was there a former tenant/occupant/tiller/awardee of the lot applied for?

Name	Nature of Improvements introduced on the lot
_____	_____

2. State all your landholdings (whether owned jointly or separately by you and your spouse) in the Philippines.

Description (Agricultural or Residential)	Area (sq.m.)	Location
_____	_____	_____
_____	_____	_____
_____	_____	_____

Form No. 1-A

P A T A L A S T A S

IPINAAALAM NA SI GINOONG/GINANG/BINIBINING _____
NANINIRAHAN SA _____
AY MAY HINAING APLIKASYON UPANG MABILI AT MABIYAYAAN NG LUPA SA ILALIM NG PROGRAMANG PANG-AGRARYO, LUPANG LALONG KILALA SA LOT NO. _____, BLK. NO. _____ PLAN NO. _____ MAY SUKAT NA _____ METRO-KUWADRO, HUMIGIT KUMULANG NA MATATAGPUAN SA _____ ESTATE, BARANGAY _____, BAYAN NG _____, LALAWIGAN NG _____.

ANG PATALASTAS NA ITO AY PARA SA KAALAMAN NG MGA KINAUUKULAN, ANUMANG KATANUNGAN O PAGTUTOL NA NAUUKOL SA NASABING APLIKASYON O SA LUPANG NABANGGIT AY MAAARING IPARATING SA TANGGAPAN NG MUNICIPAL AGRARIAN REFORM OFFICE NA MATATAGPUAN SA _____, SA LOOB NG LABINLIMANG (15) ARAW SA PAGKAKAPASKIL NG TALASTAS NA ITO.

_____
Municipal Agrarian Reform Officer

Form No. 2

Republika ng Pilipinas)
Bayan/Lungsod ng _____)
Lalawigan ng _____)

PINAGSAMANG SALAYSAY

KAMI, SINA _____ at _____, mag-asawa, Pilipino pawang mga nasa hustong gulang at kasalukuyang naninirahan sa _____, _____, matapos na makapanumpa ng naaayon sa batas ay nagsasalaysay ng mga sumusunod;

Na kami ay mayroong inaaplayang lupa mula sa Kagawaran ng Reformang Pansakahan (DAR), lalong kilala na Lot No. ___, Block No. _____, Plan No. _____, na may sukat na _____ metro-kudrado, sakop ng _____ Estate na matatagpuan sa _____, _____;

Na sa pamamagitan ng salaysay na ito, ay aming pinatutunayan na kami ay walang pag-aaring lupang sakahan o lupang bahayan sa nabanggit na hacienda o sa bayang ito o saan mang panig ng Pilipinas;

Na ginawa namin ang salaysay na ito upang maging batayan ng nasabing kagawaran sa pag-proseso ng aming aplikasyon sa nasabing lupa at pagsunod sa mga alituntunin na itinatadhana sa pamamahagi ng mga lupa.

SA KATUNAYAN NG LAHAT NG ITO, Kami ay lumagda sa ibaba nito ngayong ika _____ ng _____, dito sa _____, _____,_____.

_____ Nagsalaysay

_____ Nagsalaysay

_____ Saksi

_____ Saksi

PINANUMPAAN AT NILAGDAAN sa harap ko ngayong ika _____, ng _____, _____, dito sa _____, _____, at nagpakita ng kanilang mga sedula na nakasaad sa ibaba nito.

Pangalan	Numero	Petsa	Lugar
1. _____	_____	_____	_____
2. _____	_____	_____	_____

_____
NOTARY PUBLIC

Doc. No. _____
Page No. _____
Book No. _____
Series of _____

Form No. 3

P A G P A P A T U N A Y

SA SINUMANG KINAUUKULAN:

Ito ay NAGPAPATUNAY na si Ginoong/Ginang _____,
Na naninirahan sa _____, _____, _____,
Ay isang lihitimong magsasaka na kung saan ay siya niyang pangunahing pinagkukunan ng kabuhayan at ng kanyang pamilya.

Sa pamamagitan din nito ay aking isinusulong ang nabanggit upang mabiyayaan ng lupa mula sa programang pang-agraryo ng Kagawaran (DAR) bilang isang kuwalipikadong magsasaka.

Iginagawad dito sa _____, ngayong ika _____,
ng _____, _____.

_____ _____

Municipal Agrarian Reform Officer Chairman, BARC/Barangay Chairman

Form No. 4

Sketched/Prepared by:

_____

Signature over Printed Name
and designation

Date: _____

N

S

SKETCH PLAN

LOT NO. _____ CLASSIFICATION _____
BLK. NO. _____ PLAN NO. _____
ESTATE: _____

AS PREPARED FOR THE
DEPARTMENT OF AGRARIAN REFORM

SITUATED IN THE

Barangay of _____ Municipality of _____
Province of _____, Island of _____
Containing an area of _____ sq.m.
Scale 1: _____

Showing the actual improvements found therein:

_____
Owned by :_____

Name of Applicant: _____
Area applied (sq.m.): _____

ADDITIONAL INFORMATION:

_____
_____
_____

Form No. 5

Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM
Region III
Municipal Agrarian Reform Office

_____

_____
Date

MEMORANDUM

FOR : The Provincial Agrarian Reform Officer
DAR Provincial Office

_____

FROM : The Municipal Agrarian Reform Officer
DAR Municipal Office

_____

SUBJECT : REPORT OF INVESTIGATION/INSPECTION re: application to Purchase Lot of Mr./Ms. _____ involving Lot No. _____, Blk. No. _____, Plan No. _____, _____ Estate, with an area of _____ sq.m., located at _____.

In connection with the subject mentioned above, the undersigned hereby submit its report, to wit:

I. THE APPLICANT

Name: _____Present Residence: _____Since:_____
Occupation:_____Date & Place of Birth _____
Civil Status (if married, name of spouse and occupation):_____
Landholdings owned in the Philippines (Including of the spouse, if married):
Total area: _____sq.m. Kind of land: _____
Location: _____

The applicant and/or his/her spouse is a beneficiary/not a beneficiary/former beneficiary of land transfer program (R.A. 3844, PD 27, R.A. 6657, other law) _____with an area of _____sq.m., located at _____
In actual possession/cultivation of the lot since _____.

II. THE LOT

Name of registered allocatee/awardee: _____
Administrative/Legal Proceedings conducted (if there is any, attached the ff. documents, e.g. Order of Cancellation, Waiver of Rights, cancelled CLT/OA) _____
Claimants, other than applicant: _____
Basis of claim: _____
Improvements and owner: _____
Status of claim: _____

III. OTHER INFORMATION

_____
_____

IV. COMMENTS/RECOMMENDATION

_____
_____

Prepared and submitted by:

_____
ARPT

With my concurrence:

_____
MARO

Form No. 6

Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM

CERTIFICATION

To Whom It May Concern:

This is to certify that per available records of this office, Lot No. _____, Blk. No. _____, Plan No. _____, with an area of _____sq.m. of _____ Estate, located at _____, _____, is not involved in any adverse claim/conflict or court case.

_____, _____.
(Place) (Date)

_____
Chief, legal Division
DAR Provincial Office

Form No. 7 *DARCO Control No.* _____

Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM
Diliman, Quezon City

IN RE: APPLICATION TO PURCHASE OF:

_____
(Applicant)

LOT(s) _____Classification_____
BLOCK(s) _____
AREA _____
PLAN NO. _____
ESTATE _____
LOCATION_____
_____

ORDER OF AWARD

This refers to the application of the party/ies above-cited to purchase lot(s) described in the captioned hereof. The application was processed according to the pertinent laws and regulations, and the sketch of the lot(s) showing its/their area accordingly prepared, noting the improvements found thereon as well as the monuments to indicate the metes and bounds thereof.

It appearing that there is no opposition to the application and finding the applicant(s) qualified to purchase the lot(s) above referred to, the same is/are hereby awarded in his/her/their favor, subject to the following conditions: 1) that, the awardee shall personally cultivate/till or occupy the lot and shall not be subject to any form of tenancy; 2) that, except thru hereditary succession by one heir, the lot shall not be sold, transferred or waived except in favor of the government; 3) that, it shall not be subject to further subdivision or conversion without the written authority of the DAR; 4) other prohibitions and conditions as provided for by R.A. 3844 as amended and other applicable provisions of existing laws; 5) that, any violation of the conditions herein provided shall be sufficient ground for the cancellation of this award or any instrument or title that may be issued to the awardee and 6) that, the conditions under 1, 2, 3 and 4 herein prescribed shall be annotated in the Contract to Sell or Deed of Sale and Certificate of Title that may be issued to awardee.

Let the Contract to Sell or Deed of Sale, as the case may be, be executed upon payment of the necessary amount representing purchase price and fees.

This Order shall become final thirty (30) days after posting in the following designated places, at a conspicuous place within the premises of the subject lot(s), barangay hall within the estate, bulletin board of the Municipal Agrarian Reform Office (MARO) concerned and other public places frequented by the community.

SO ORDERED.

Diliman, Quezon City, Philippines, _____.

SECRETARY

Copy furnished:

1. The applicant(s)
2. LDD-BLAD
3. DAR Regional Office
4. DAR Provincial Office
5. DAR Municipal Office
6. LBP

Form No. 8

Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM
Region III

_____, _____

CERTIFICATION

TO WHOM IT MAY CONCERN:

This is to certify that according to available records of this office, Lot No. _____, Block No. _____, Plan No. _____ of _____,. Estate, situated at _____, _____, is not involved in any adverse/conflicting claims or court case as of this date.

This further certify that the ORDER dated _____issued by _____, cancelling/amending the _____ dated _____ in the name of _____ is now FINAL AND EXECUTORY.

This Certification is issued for the purpose of issuance of Order of Award in favor of applicant _____for the said lot.

Verified by: _____
Date: _____

_____
Chief, Legal Division
DAR Regional Office