



# DEPARTMENT of AGRARIAN REFORM

ADMINISTRATIVE ORD. NO. 12  
Series of 1990

SUBJECT POLICY GUIDELINES AND OPERATING PROCEDURES IN THE IDENTIFICATION AND ACQUISITION OF IDLE OR ABANDONED LANDS

## I. PREFATORY STATEMENT

The 1987 Constitution mandated the institution of the Comprehensive Agrarian Reform Program (CARP) to promote social justice to ensure the dignity, welfare, and security of all the people, regulate the acquisition, ownership, use, enjoyment and disposition of private property and equitably diffuse property ownership and profits.

Further, R.A. No. 6657 provides that "the State shall be guided by the principle that land has a social function and landownership has a social responsibility."

Under R.A. No. 6657, the coverage of idle or abandoned lands regardless of size is a priority and these lands shall be subject to immediate acquisition and distribution subject to the retention rights as provided for by law.

## II. RESTATEMENT OF POLICY

- A. The Department is mandated to initiate the expropriation or acquisition of idle or abandoned agricultural lands at the earliest possible time for distribution to the farmer-beneficiaries (FBs) of the agrarian reform program pursuant to Section 22 of Article XVIII of the 1987 Constitution and as reiterated in Section 18 (h) of Executive Order No. 229.
- B. The Department is likewise directed under Section 7 of R.A. No. 6657 to plan and program in coordination with the Presidential Agrarian Reform Council (PARC) the acquisition and distribution of all idle or abandoned agricultural lands regardless of size, as one of the priorities in Phase One thereof.

## III. COVERAGE

The policies above shall apply to all idle or abandoned lands as defined under Section 3 (e) of R.A. No. 6657, to wit: "Idle or Abandoned Land refer to any agricultural land not cultivated, tilled or developed to produce any crop

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nor devoted to any specific economic purpose continuously for a period of three (3) years immediately prior to the receipt of notice of acquisition by the government as provided under this Act, but does not include land that has become permanently or regularly devoted to non-agricultural purpose. It does not include land which has become unproductive by reason of force majeure or any other fortuitous event, provided that prior to such event, such land was previously used for agricultural or other economic purpose".

#### IV. OPERATING PROCEDURE

A. The Municipal Agrarian Reform Officer (MARO) shall observe the following procedures in the identification and coverage of idle or abandoned agricultural lands.

1. Identify all idle or abandoned lands in all cities or municipalities within his area of coverage. For this purpose, the initial reckoning period shall be three (3) years prior to Notice of Acquisition. In the case of idle or abandoned lands which do not yet fall within the three-year period, these shall be monitored for future coverage.

2. Cover the identified idle or abandoned lands under compulsory acquisition of private agricultural lands using the normal procedures but with the following modifications:

- a. Indicate in the Notice of Coverage (I/A Form No. 1) that the landholding is being covered because, based on the field investigation, it has been determined to be idle or abandoned. This Notice should be sent by registered mail to the landowner and posted for 30 days in:

- a conspicuous place in the barangay where the property is located, such as barangay hall, school, and other public places; and

- the municipal or city hall.

- b. If the landowner or any person claiming right fails to reply within 30 days from the receipt of the Notice and/or the last day of posting, as the case may be, assume that the landowner waived his retention right and proceed with the acquisition and distribution of the entire property or identified portion(s) thereof under the procedures on compulsory acquisition.



Any party who disagrees with the coverage of the subject landholding as idle or abandoned land must file with the MARO, copy furnished the PARO or RARO, a written protest fifteen days from receipt of Notice or date of posting whichever is applicable. Otherwise, coverage shall become final.

Secure Sworn Statements (I/A Form No. 2) of at least two (2) disinterested farmers within the barangay where the subject landholding or a portion(s) thereof is located, in the presence of two (2) witnesses, preferably Barangay Agrarian Reform Committee (BARC) members, and before the administering officer.

3. For landholdings greater than 50 hectares in size and with the landowner indicating his desire to avail of the temporary retention, cover first the area in excess of 50 hectares then determine --- and cover accordingly --- if there are idle or abandoned portions within the temporarily retained area.

- B. The procedures for land acquisition, compensation, and distribution as well as valuation and mode of compensation prescribed in Sections 16, 17, 18 and 22 of R.A. 6657 and the implementing guidelines and procedures issued for the purpose shall be strictly followed.

#### V. EFFECTIVITY

This Administrative Order shall take effect ten (10) days after publication in two (2) national newspapers of general circulation pursuant to Section 49 of RA 6657. All orders, circulars, rules and regulations inconsistent herewith are hereby revoked, amended or modified as the case may be.

Diliman, Quezon City, August 30, 1990

  
BENJAMIN T. LEONG  
Secretary

Department of Agrarian Reform  
Municipal Agrarian Reform Office  
Municipality of \_\_\_\_\_

NOTICE OF COVERAGE

(Date)

Sir/Madam:

Please be informed that your landholding located at \_\_\_\_\_ with an approximate area of \_\_\_\_\_ has been identified and classified as \_\_\_\_\_ in accordance with Sec. 7 of R.A. 6637.

In this connection, we would like to request you to signify in writing your acceptance/rejection of the coverage of \_\_\_\_\_ landholding within thirty (30) days from receipt of this notice. If we fail to receive any reply from you within the prescribed period, we shall proceed with the acquisition and distribution of \_\_\_\_\_ subject landholding in accordance with law, guidelines and procedures relative thereto.

Your cooperation and participation is respectfully requested.

Thank you for your kind attention and favorable response.

Very truly yours,

(MARD)

REPUBLIC OF THE PHILIPPINES)  
 PROVINCE OF \_\_\_\_\_ ) S.S.  
 MUNICIPALITY OF \_\_\_\_\_ )

## SWORN STATEMENT OF DISINTERESTED FARMERS

we, \_\_\_\_\_ and \_\_\_\_\_  
 both of legal age, Filipinos, single/married/widow/widower, and  
 resident(s) of \_\_\_\_\_  
 and \_\_\_\_\_, respectively,  
 after being duly sworn to according to law, depose and say:

That we have been and are still actually cultivating a  
 parcel of land owned and registered in the name of  
 \_\_\_\_\_ since 19\_\_\_\_ up to the present.

That adjoining our farmholding is a certain parcel of land  
 which to the best of my knowledge is owned by in the name of  
 \_\_\_\_\_ situated at Bv.  
 Municipality of \_\_\_\_\_ Province of \_\_\_\_\_  
 with an area of \_\_\_\_\_ hectares, more or less.

That we know for a fact that said parcel of land prior to  
 June 1968, was previously utilized for agriculture and/or other  
 economic purpose, but from \_\_\_\_\_ (date) to \_\_\_\_\_ (date)  
 had never been cultivated, tilled, developed to produce any crop  
 nor devoted to any specific economic purpose.

That we are executing this Sworn Statement to attest or  
 confirm the truth and extent of the present land use of the  
 subject parcel of land at our own free will and without any  
 purpose of deceit or fraud.

IN WITNESS WHEREOF, we have hereunto set our hands this  
 \_\_\_\_\_th/rd day of \_\_\_\_\_, 19\_\_\_\_ here at  
 \_\_\_\_\_, \_\_\_\_\_ Municipality \_\_\_\_\_ Province

Agricultural-Lessee Affiant

Agricultural-Lessee Affiant

Res. Cert. No.: \_\_\_\_\_  
 Issued at: \_\_\_\_\_  
 On: \_\_\_\_\_

Res. Cert. No.: \_\_\_\_\_  
 Issued at: \_\_\_\_\_  
 On: \_\_\_\_\_

SIGNED IN THE PRESENCE OF :

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ th/rd day of \_\_\_\_\_ 1990 at \_\_\_\_\_, affiant exhibited their respective Re: Certificate Nos. above-stated.

\_\_\_\_\_  
Notary Public

DOC. NO. \_\_\_\_\_  
PAGE NO. \_\_\_\_\_  
BOOK NO. \_\_\_\_\_  
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