



Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM

ADMINISTRATIVE ORDER NO. 13
Series of 1990

(22)
SUBJECT: RULES AND PROCEDURES GOVERNING EXEMPTION OF LANDS
FROM CARP COVERAGE UNDER SECTION 10, RA 6657

I. LEGAL MANDATE

The general policy under CARP is to cover as much lands suitable for agriculture as possible. However, Section 10, RA 6657 excludes and exempts certain types of lands from the coverage of CARP, to wit:

- A. Lands actually, directly and exclusively used and found to be necessary for parks, wildlife, forest reserves, reforestation, fish sanctuaries and breeding grounds, watersheds and mangroves, national defense, school sites and campuses including experimental farm stations operated by public or private schools for educational purposes, seeds and seedlings research and pilot production centers, church sites and convents appurtenant thereto, mosque sites and islamic centers appurtenant thereto, communal burial grounds and cemeteries, penal colonies and penal farms actually worked by the inmates, government and private research and quarantine centers; and
- B. All lands with eighteen percent (18%) slope and over, except those already developed.

II. POLICIES

In the application of the aforecited provision of law, the following guidelines shall be observed:

- A. For an area in I.A above to be exempted from CARP coverage, it must be "actually, directly and exclusively used and found to be necessary" for the purpose so stated.
 - B. The security of tenure of tenants enjoyed prior to 15 June 1988 shall be respected even if the land is exempted. As to farmworkers, the exemption shall not mean the loss of the benefits to which they are entitled under other laws. In addition, they shall be granted preference in the award of other lands covered by CARP.
- fsl

- C. Lands which have been classified or proclaimed, and/or actually, directly and exclusively used and found to be necessary for parks, wildlife, forest reserves, fish sanctuaries and breeding grounds, and watersheds and mangroves shall be exempted from the coverage of CARP until Congress, taking into account ecological, developmental and equity considerations, shall have determined by law, the specific limits of public domain, as provided for under Sec. 4 (a) of RA 6657, and a reclassification of the said areas or portions thereof as alienable and disposable has been approved.
- D. Lands which have been actually, directly and exclusively used and found to be necessary for reforestation are likewise excluded and exempted from the coverage of the CARP, provided that the areas or portions thereof occupied by qualified forest occupants shall be included in the Integrated Social Forestry (ISF) program of DENR, if suitable.
- E. All lands with a slope of eighteen percent (18%) and over are exempt from land acquisition and distribution. However those with 18% slope and over but already developed for agricultural purposes as of 15 June 1988 shall be allocated to qualified occupants in the following manner:
1. If classified as forest land, they shall be allocated by the DENR under the Integrated Social Forestry Program.
 2. If classified as alienable and disposable, they shall be allocated by LMB-DENR and DAR pursuant to the provisions of the Public Land Act and the Joint DAR-DENR Administrative Order No. 2, series of 1988; and
 3. If private agricultural land, they shall be acquired in accordance with the provisions of R.A. 6657.
- F. In all cases, the DAR shall conduct a continuing review and verification of exempted lands to ascertain which of the areas declared exempt or which portions thereof are no longer actually, directly and exclusively used and found necessary for said purpose. If the purpose for the grant of exemption no longer exists, the area or portion involved shall be covered under CARP pursuant to the guidelines on land acquisition and distribution.

III. APPLICATION FOR EXEMPTION

The MARO shall determine whether or not lands within his jurisdiction may be covered by CARP.

To facilitate the identification of lands exempt from CARP coverage, applications may be filed by persons or representatives of persons owning, administering or managing lands believed to be actually, directly and exclusively used and necessary for any of the purposes mentioned in Sec. 10 of RA 6657.

IV. OPERATING PROCEDURES

A. MUNICIPAL AGRARIAN REFORM OFFICER (MARO)

1. On his own initiative or upon representations by farmers/occupants, take initial steps to cover an area under CARP, particularly by issuing a Notice of Coverage (Ex-Form No. 1) to the owner or administrator of the property informing him that the area has been suitable for CARP coverage.
2. Accept written application (Ex-Form No. 2). Said application shall be accompanied by the following:
 - ownership documents and other muniments of title
 - evidence to support application and convince DAR that the area qualifies for exemption under Section 10, RA 6657 such as: copy of proclamation, topographic map, sketch map, area development plan, affidavit, certification from relevant government agency, etc.
3. Upon receipt of the application, conduct with the assistance of the BARC an investigation of the land to determine, among others, the ownership, legal status, and type and area of the land sought to be exempted (Ex-Form No. 3).
4. Ascertain whether or not the land is actually, directly and exclusively used and necessary for the purpose stated in the application.
5. Prepare Report of findings and recommendations (Ex-Form No. 3).
6. Compile all relevant documents to form the Application for Land Exemption Folder (ALEF); and
7. Transmit the ALEF to the Provincial Agrarian Reform Officer (Ex-Form No. 4).

8. Perform the duties and functions enumerated above within 30 days from receipt of the application.

B. PROVINCIAL AGRARIAN REFORM OFFICER (PARO)

1. Review and evaluate the ALEF and indicate his comments, findings and recommendations;
2. If ALEF documentation is found in order, forward the same to the Regional Director; otherwise return the ALEF to MARO for further action (Ex-Form No. 4); and
3. Perform the duties and functions enumerated above within ten (10) working days from receipt of the ALEF from the MARO.

C. REGIONAL DIRECTOR (RD)

1. Approve or disapprove applications for exemption from CARP coverage of lands five (5) hectares and below.
2. Upon his approval, furnish a copy of the Certificate of Exemption to the Undersecretaries for Field Operations and Legal Affairs, Management Information Service (MIS), Office of the Secretary (attention: BALA), and the PARO concerned.
3. For lands exceeding five (5) hectares, evaluate the report and recommendation of the PARO and MARO and forward the ALEF to the Bureau of Agrarian Legal Assistance (BALA) together with his own recommendation.
4. Perform the duties and functions enumerated above within ten (10) working days from receipt of the ALEF from the PARO.

D. BUREAU OF AGRARIAN LEGAL ASSISTANCE (BALA)

1. Review the ALEF and, if warranted, prepare the Certificate of Exemption. If the application is for disapproval, prepare the directive to the PARO to cause the coverage of the land under CARP, subject to the guidelines on land acquisition and distribution.
2. Forward to the Undersecretary for Legal Affairs the pertinent documents for his appropriate action.
3. Perform the duties and functions enumerated above within 10 days from receipt of the ALEF from the Regional Director.

4. Upon receipt of the signed documents approving or disapproving the application for exemption, furnish a copy of the same to the Undersecretary for Field Operations, MIS, Regional Director, and PARO.

E. UNDERSECRETARY FOR LEGAL AFFAIRS

1. Review all ALEFs from BALA and approve or disapprove applications for exemption of lands not exceeding fifty (50) hectares.
2. For applications covering areas exceeding fifty (50) hectares, forward the ALEF to the Office of the Secretary, indicating his recommendation thereon.
3. Perform the duties and functions enumerated above within 10 working days from receipt of the ALEF from the BALA.

F. OFFICE OF THE SECRETARY

The Secretary shall approve or disapprove applications for exemption from CARP coverage for lands exceeding fifty (50) hectares.


V. REVIEW AND REVISION/REVOCATION OF ORDER

The Undersecretary for Legal Affairs shall monitor and evaluate the implementation of this Order and submit a quarterly report to the Secretary relative thereto. For this purpose, he shall cause the periodic review of all Certificates of Exemption to determine whether the condition/s for which the exemptions were granted still exist. If not, he shall recommend the revision or revocation of the Certificates as the case may be.

VI. 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

EX FORM NO. 1

Date

NOTICE OF COVERAGE

Landowner/Administrator/Manager

Address

This is to inform you that your property described below has been identified for coverage under the Comprehensive Agrarian Reform Law of 1988 (RA 6657).

Your property or portion thereof we have identified for coverage under the CARL is covered by OCT/TCT No. _____ or Tax Declaration No. _____ or Proclamation No. _____ with a total area of _____ hectares and located at Barangay _____, Municipality/City of _____, Province of _____.

In this connection, may we invite you to a conference on _____
(Date)
at _____ which will be held at _____ to
(Time) (Venue)

discuss the results of our investigation over the said landholding and your right to apply for exemption under Section 10 of RA 6657. It is understood that once you fail to attend the Conference, we shall be constrained to consider it is a waiver of your right for exemption.

M A R O

Ex Form No. 2a

Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM

Application For Exemption/Exclusion
(Privately Owned Landholdings)

The Secretary
Dept. of Agrarian Reform
Diliman, Quezon City

THRU: The MARO

S i r :

Pursuant to Section 10, RA 6657, I/We Have the honor to request your good office to declare my/our landholding/s, as stated hereunder, exempted/excluded from the Land Distribution program under the Comprehensive Agrarian Reform Law (CARL) for reason/s of being _____

My/our property has a total area (ha.) of _____ and located at Barangay/s _____ Municipality/City of _____, Province of _____.

Attached is/are machine/true copy(s) of title(s)/tax declaration(s), sketch plan, _____ of the aforementioned landholding/s subject of the herein request together with the other requirements, viz:

1. Title : _____
2. Tax Declaration : _____
3. Others : _____

Very truly yours,

Name & Signature

Date : _____

EX FORM No. 2b

Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM

Application For Exemption/Exclusion
(For Public and Government Lands)

The Secretary
Dept. of Agrarian Reform
Diliman, Quezon City

THRU : The MARO

S i r :

Pursuant to Section 10, RA 6657, on behalf of the
_____ as _____
(Name of Institution/Entity) (Official Title of the Applnt.)
we wish to request your good office to issue us a Certificate of
Exemption/Exclusion for our landholding/s located at
Barangay(s) _____, Municipality/City _____
_____, Province of _____, covered
by OCT/TCT/Proc. No. _____ and with a total area of
_____.

We believe such landholding/s is/are exempted because

_____.

The above-stated land/s is being managed by _____
_____ to whom your office can coordinate/call
upon for validation/verification purposes.

Attached are copies of the supporting documents.

Very truly yours,

Name & Signature

Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM

Investigation Report
(Exemption/Exclusion)

A. Landowner : _____ Address: _____
Representative/Mng./Agents: _____
Address: _____

B. 1. Title No. _____ 4. Location: _____
2. Lot/Survey No. _____ a. Bgy. _____
3. Area (ha.) _____ b. Mun./City _____
c. Province _____

C. 1. Tax Dec. No. _____ 3. Area (ha.) _____
2. Land Use: _____ a. _____
a. _____ b. _____
b. _____ c. _____
c. _____

D. 1. Actual Land Use: _____ 2. Topography: _____ 3. Area (ha.): _____
a. _____
b. _____
c. _____

E. Land Tenure Status:
1. () Tenanted 2. () With Fws 3. () W/o T/Fws
A. Number _____ A. Number _____
B. Area Covered _____

F. Existing Improvements/Structure (To include crops planted,
infrastructure and water supply/source)

G. Other findings:

H. Comments/Remarks/Recommendations:

I hereby certify that the infrastructure and data
contained in this report are based on ocular inspection of
the subject property and actual examination of pertinent
documents and that the same are true and correct to the best
of my knowledge.

Date: _____

(HARO)
Name & Signature

EX FORM No. 4

Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM

Exemption/Exclusion Transmittal Memo

For : _____

From : _____

Subject: Application For Land Exemption/Exclusion Folder of

Respectfully submitted/returned is the attached Application
for Land Exemption/Exclusion Folder subject land of which is
utilized as _____ together with
(present land-use)
the following documents, viz:

- () TCT/OCT No./s _____
- () Tax Declaration/s _____
- () Sketch/Survey Plan _____
- () Affidavit/Proclamation _____
- () Application for Exemption/Exclusion (Ex Form 1__)
- () Investigation Report (Ex Form 2)
- () Other pertinent documents (specify) :

Recommendation/Action Requested:

Date _____

Name & Signature
(MARO or PARO)