



REPUBLIC OF THE PHILIPPINES

DEPARTMENT OF AGRARIAN REFORM

Tunay na Pagbabago sa Repormang Agraryo

ADMINISTRATIVE ORDER NO. 02 Series of 2020

**SUBJECT: LIFTING THE PARTIAL SUSPENSION OF THE
IMPLEMENTATION OF ADMINISTRATIVE ORDER
NO. 5, SERIES OF 2017**

PREFATORY STATEMENT

Pursuant to R.A. No. 6657, as amended, and Department of Agrarian Reform's (DAR's) mandate to implement the Comprehensive Agrarian Reform Program (CARP) and other agrarian reform laws, Administrative Order (A.O.) No. 7, Series of 2011, otherwise known as "Revised Rules and Procedures Governing the Acquisition and Distribution of Private Agricultural Lands under Republic Act (R.A.) No. 6657, As Amended", was issued. However, in the course of the implementation of the said A.O., there were issues that emerged, one of which is the seeming "operational bottlenecks" resulting to the delays in the distribution of lands to Agrarian Reform Beneficiaries (ARBs).

A.O. No. 5, Series of 2017, entitled "New Implementing Guidelines Governing the Compulsory Acquisition of All Agricultural Lands with Pending Proceedings or Cases", was issued essentially to remove the stumbling blocks and obstacles in the form of cases, protest actions or other proceedings that cause undue delay in the implementation of the CARP. This A.O. provides that the land acquisition and distribution (LAD) process shall continue up to the issuance of the Certificate of Land Ownership Award (CLOA) and installation of the ARBs on the awarded lands, notwithstanding the existence of any protest action.

The strong clamor from the Civil Society Organizations (CSOs), and other stakeholders pushing for the resolution of the delays observed in the LAD process, A.O. No. 6, Series of 2017, entitled "Conduct of Review and suspension of Certain Provisions of DAR Administrative Order No. 5 Series of 2017", was issued. Under this A.O. the operations of paragraphs IV-B, IV-C, IV-E, and IV-G were suspended. The PRFC was also directed through the aforesaid A.O. to review and submit its final recommendations on the above contentious provisions within three (3) months or before March 2018.

While the review is being undertaken, DAR issued A.O. No. 3, Series of 2018, entitled "Transitory Guidelines Pending Action on Administrative

Order No. 5, Series of 2017". The above A.O. further reiterated the aforesaid provisions which states that:

"xxx

Thus, pending the completion of the review of the aforesaid provisions of AO No. 5, Series of 2017, any and all on-going LAD processes shall continue despite the presence of any protest action. It shall no longer stop until the issuance of the MOV, but shall proceed up to the issuance of the MOV, and shall proceed until the issuance of the title in the name of the Republic of the Philippines.

xxx"

In response to a letter to the DAR Secretary, the Office of the Undersecretary for Legal Affairs, Field Operations Office (FOO) and the Bureau of Land Tenure Improvement (BLTI), from certain farmer groups requesting the DAR for the immediate issuance of a Memorandum Circular (M.C.) on the exercise of the usufructuary rights in order for the farmer beneficiaries to possess, occupy and cultivate the CARP-covered land and make it productive, a legal opinion was issued by the Undersecretary for Legal Affairs Office (ULAO) on the matter (ULAO LO-1020-19).

The Field Operation Office (FOO) on the other hand formulated a draft M.C. on the exercise of usufructuary rights by farmers, considered and incorporated the said ULAO Legal Opinion. The said draft M.C. was included in the agenda of the PRFC/PRFC Technical Working Group (TWG) and Regional Directors during its virtual Online Policy Workshop on April 20, 2020.

During the said Online Policy Workshop/Deliberation, the PRFC, PRFC-TWG and the Regional Directors (RDs) by a majority vote, agreed to formulate a policy issuance lifting the suspension of A.O. No. 5, Series of 2017, in lieu of the proposed M.C. on the exercise of usufructuary rights.

In view of the foregoing, this A.O. is hereby issued for the guidance of all concerned.

Section 1. GENERAL PROVISION

- 1.1. Subject to the provisions of Section 1.3 hereof, the suspension of paragraphs **IV-B**, **IV-C** and **IV-G** is hereby lifted and therefore all the other provisions of A.O. No. 5, Series of 2017 shall be in effect, except the specific provisions concerning land use conversion.

1.2. Section **IV-E** of A.O. No. 5, Series of 2017, is hereby amended to read as follows:

1.2.1. The filing of applications for conversion or the pendency of conversion proceedings shall not forestall the LAD process to ensure the effective implementation of agrarian reform law.

1.3. Notwithstanding an appeal to the Office of the President on the decision of the Secretary/Regional Director in an ALI Case favoring coverage, the land acquisition and distribution (LAD) process shall proceed up to the issuance of the title(s) in the name of the Republic of the Philippines in accordance with Paragraph (e) of Section 16 of R.A. No. 6657, as amended.

The LAD process shall resume up to the issuance of the CLOA(s) and the installation of the ARB(s) once the OP affirms the said decision of the Secretary/Regional Director and has denied any motion for the reconsideration of its decision. The LAD process shall be completed unless the Supreme Court issues a temporary restraining order (TRO), or the Court of Appeals or the Supreme Court by a final judgment nullifies the coverage.


Section 2. REPEALING CLAUSE

This Order repeals AO No. 6, Series of 2017 and A.O. No. 3, Series of 2018 and all other existing orders, circulars, issuances, or any portions thereof which are inconsistent herewith are hereby repealed, amended and/or modified.

Section 3. EFFECTIVITY CLAUSE

This Order shall take effect ten (10) days after its publication in two (2) newspapers of general circulation and its registration with Office of the National Administrative Register (ONAR).

Diliman, Quezon City, OCT 05 2020.


ATTY. JOHN R. CASTRICIONES
Secretary

Department of Agrarian Reform
Office of the Secretary



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REPUBLIC OF THE PHILIPPINES

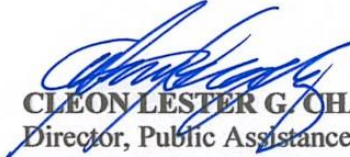
DEPARTMENT OF AGRARIAN REFORM

Tunay na Pagbabago sa Repormang Agraryo

CERTIFICATION

This is to certify that Administrative Order No. 02, Series of 2020 entitled **“LIFTING THE PARTIAL SUSPENSION OF THE IMPLEMENTATION OF ADMINISTRATIVE ORDER NO. 5, SERIES OF 2017”** was published today, 12 October 2020, in the Philippine Star and Manila Bulletin newspapers.

Issued this 12th day of October 2020 for whatever purpose it may serve.


CLEON LESTER G. CHAVEZ
Director, Public Assistance and
Media Relations Service



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF AGRARIAN REFORM
 Tunay na Pagbabago sa Repormang Agraryo

ADMINISTRATIVE ORDER NO. 02
 Series of 2020

SUBJECT : LIFTING THE PARTIAL SUSPENSION OF THE IMPLEMENTATION OF
 ADMINISTRATIVE ORDER NO. 5, SERIES OF 2017

PREFATORY STATEMENT

Pursuant to R.A. No. 6657, as amended, and Department of Agrarian Reform's (DAR's) mandate to implement the Comprehensive Agrarian Reform Program (CARP) and other agrarian reform laws, Administrative Order (A.O.) No. 7, Series of 2011, otherwise known as "Revised Rules and Procedures Governing the Acquisition and Distribution of Private Agricultural Lands under Republic Act (R.A.) No. 6657, As Amended", was issued. However, in the course of the implementation of the said A.O., there were issues that emerged, one of which is the seeming "operational bottlenecks" resulting to the delays in the distribution of lands to Agrarian Reform Beneficiaries (ARBs).

A.O. No. 5, Series of 2017, entitled "New Implementing Guidelines Governing the Compulsory Acquisition of All Agricultural Lands with Pending Proceedings or Cases", was issued essentially to remove the stumbling blocks and obstacles in the form of cases, protest actions or other proceedings that cause undue delay in the implementation of the CARP. This A.O. provides that the land acquisition and distribution (LAD) process shall continue up to the issuance of the Certificate of Land Ownership Award (CLOA) and installation of the ARBs on the awarded lands, notwithstanding the existence of any protest action.

The strong clamor from the Civil Society Organizations (CSOs), and other stakeholders pushing for the resolution of the delays observed in the LAD process, A.O. No. 6, Series of 2017, entitled "Conduct of Review and suspension of Certain Provisions of DAR Administrative Order No. 5 Series of 2017", was issued. Under this A.O. the operations of paragraphs IV-B, IV-C, IV-E, and IV-G were suspended. The PRFC was also directed through the aforesaid A.O. to review and submit its final recommendations on the above contentious provisions within three (3) months or before March 2018.

While the review is being undertaken, DAR issued A.O. No. 3, Series of 2018, entitled "Transitory Guidelines Pending Action on Administrative Order No. 5, Series of 2017". The above A.O. further reiterated the aforesaid provisions which states that:

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Thus, pending the completion of the review of the aforesaid provisions of AO No. 5, Series of 2017, any and all on-going LAD processes shall continue despite the presence of any protest action. It shall no longer stop until the issuance of the MOV, but shall proceed up to the issuance of the MOV, and shall proceed until the issuance of the title in the name of the Republic of the Philippines.

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In response to a letter to the DAR Secretary, the Office of the Undersecretary for Legal Affairs, Field Operations Office (FOO) and the Bureau of Land Tenure Improvement (BLTI), from certain farmer groups requesting the DAR for the immediate issuance of a Memorandum Circular (M.C.) on the exercise of the usufructuary rights in order for the farmer beneficiaries to possess, occupy and cultivate the CARP-covered land and make it productive, a legal opinion was issued by the Undersecretary for Legal Affairs Office (ULAO) on the matter (ULAO LO-1020-19).

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In view of the foregoing, this A.O. is hereby issued for the guidance of all concerned.

Section 1. GENERAL PROVISION

- 1.1. Subject to the provisions of Section 1.3 hereof, the suspension of paragraphs IV-B, IV-C and IV-G is hereby lifted and therefore all the other provisions of A.O. No. 5, Series of 2017 shall be in effect, except the specific provisions concerning land use conversion.
- 1.2. Section IV-E of A.O. No. 5, Series of 2017, is hereby amended to read as follows:
 - 1.2.1. The filing of applications for conversion or the pendency of conversion proceedings shall not forestall the LAD process to ensure the effective implementation of agrarian reform law.
- 1.3. Notwithstanding an appeal to the Office of the President on the decision of the Secretary/Regional Director in an ALI Case favoring coverage, the land acquisition and distribution (LAD) process shall proceed up to the issuance of the title(s) in the name of the Republic of the Philippines in accordance with Paragraph (e) of Section 16 of R.A. No. 6657, as amended.

The LAD process shall resume up to the issuance of the CLOA(s) and the installation of the ARB(s) once the OP affirms the said decision of the Secretary/Regional Director and has denied any motion for the reconsideration of its decision. The LAD process shall be completed unless the Supreme Court issues a temporary restraining order (TRO), or the Court of Appeals or the Supreme Court by a final judgment nullifies the coverage.

Section 2. REPEALING CLAUSE

This Order repeals AO No. 6, Series of 2017 and A.O. No. 3, Series of 2018 and all other existing orders, circulars, issuances, or any portions thereof which are inconsistent herewith are hereby repealed, amended and/or modified.

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Diliman, Quezon City, October 05 2020.



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF AGRARIAN REFORM
Tunay na Pagbabago sa Repormang Agraryo

ADMINISTRATIVE ORDER NO. 02
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