



Department of Agrarian Reform
Eliptical Road, Diliman, Quezon City



Land Registration Authority
East Ave., Diliman, Quezon City

**JOINT DAR-LRA
MEMORANDUM CIRCULAR NO. 02
Series of 2013**

TO : ALL REGISTRARS OF DEEDS/DEPUTY REGISTRARS OF DEEDS
SUBDIVISION & CONSOLIDATION DIVISION/DEPARTMENT ON
REGISTRATION-LRA
ALL DAR REGIONAL DIRECTORS
ALL PROVINCIAL AGRARIAN REFORM OFFICERS
ALL MUNICIPAL AGRARIAN REFORM OFFICERS
ALL OTHERS CONCERNED

SUBJECT : RULES AND PROCEDURES GOVERNING APPLICATIONS FOR
APPROVAL OF SUBDIVISION PLANS BY THE LAND REGISTRATION
AUTHORITY (LRA) AND REGISTRAR OF DEEDS (RODs) IF THE
SUBJECT PROPERTIES ARE AGRICULTURAL LANDS

Pursuant to Section 4 of Republic Act (R.A.) No. 6657, as amended, all private lands devoted to or suitable for agricultural purposes are covered under the Comprehensive Agrarian Reform Program (CARP).

Sections 6, 70 and 73 (a) of R.A. No. 6657, as amended, limit the retention right and landownership ceiling over agricultural lands by any person, natural or juridical, to not more than five (5) hectares upon the effectivity of said Act on 15 June 1988. Accordingly, all agricultural lands in excess of the aforementioned 5-hectare retention limit or landownership ceiling are covered under CARP by operation and mandate of law effective 15 June 1988.

Section 40 of DAR Administrative Order (A.O.) No. 7, Series of 2011 [**Revised Rules and Procedures Governing the Acquisition and Distribution of Private Agricultural Lands Under Republic Act (R.A.) No. 6657, As Amended**] further provides:

“SECTION 40. **DAR Clearance on Land Transactions.** — Land transactions executed prior to 15 June 1988 shall be valid only when registered with the Registry of Deeds on or before 13 September 1988 in accordance with Section 6 of R.A. No. 6657, as amended.

With respect to those executed on or after 15 June 1988, where the transfer/sale of a landholding involves a total area of five (5) hectares and below and such landholding is the retention area of or subject of retention by the transferor, and where the transferee will not own an aggregate area of more than five (5) hectares as a result of the sale, the transfer is legal and proper. However, a DAR clearance is needed for monitoring purposes and as a requisite for the registration of the title in the name of the transferee with the ROD.

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With respect to LOs who have yet to exercise their right of retention, where more than five (5) hectares of the landholding is sold or transferred, whether through a single transaction, multiple transactions, or a series of transfers/sales, only the first five (5) hectares sold/conveyed and the corresponding titles therefore issued by the ROD in the name of the transferee shall be considered valid and treated as the transferor's retained area, but in no case shall the transferee exceed the five (5)-hectare landholding ceiling pursuant to Sections 6, 70, and 73 (a) of R.A. No. 6657, as amended. Insofar as the excess area beyond the five (5) hectares sold and conveyed is concerned, the same shall be covered under CARP, regardless of whoever is the current title-holder to the land, and even if the said current title-holder owns less than five (5) hectares of agricultural landholding, considering that the transferor has no right to dispose of these lands since CARP coverage of these lands is mandated by law as of 15 June 1988. Any landholding still registered in the name of the LO after earlier dispositions up to an aggregate of five (5) hectares are no longer part of his retention area and therefore shall be covered under CARP."

Reports have reached the DAR that one way by which the above-mentioned law may be circumvented is to have the land subdivided into smaller lots with the intention to sell the subdivided lots.

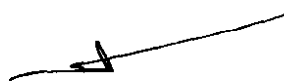
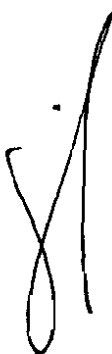
To preclude possible circumvention or violation of the abovementioned provisions of law and DAR guideline, this Joint Circular is hereby issued.

SECTION 1. Applicability. – These rules and procedures shall govern all applications for the approval of subdivision plans by the LRA, if the subject properties are agricultural lands particularly the following:

1. All titled agricultural lands listed in the CARPER LAD database.
2. Agricultural properties classified as agricultural in the Tax Declaration in excess of five (5) hectares;

SECTION 2. DAR Certification Requirement. – Where the application for approval of subdivision plan falls within the contemplation of any of the aforementioned instances in Section 1 hereof, the LRA, through its Subdivision & Consolidation Division shall, within fifteen (15) days from receipt of the application, require the applicant or geodetic engineer concerned to secure from the Provincial Agrarian Reform Officer (PARO) a Certification that the land/s subject of application, after thorough validation, is/are covered under CARP, and if in the negative, the PARO shall issue a certification to the effect that he/she interposes no objection to the application for subdivision.

The Provincial Agrarian Reform Officer (PARO) shall issue the Certification within five (5) days from the final validation of his/her office's records and documents, or within five (5) days from submission of the findings and recommendations embodied in the Investigation Report of the DARPO Office or Unit concerned.



SECTION 3. Approval or Denial of the Application. – The LRA, through its Subdivision & Consolidation Division shall, as a general rule, approve the application for approval of subdivision plan in case said application is compliant to existing provisions of law, rules and regulations, and where the application does not fall under any of the instances enumerated in Section 1 hereof.

In cases where the PARO certifies that the subject landholding applied for is/are covered under CARP, and the PARO interposes objection to the application, the LRA through its Subdivision & Consolidation Division, may deny the application. The denial may, however, be subject to reconsideration upon in-depth determination on the merits and submission by the applicant of proofs or evidence to the contrary, provided that the DAR Provincial Office is given the opportunity to be heard or to rebut the same (see attached form).

Otherwise, should the PARO certify that the subject landholding/s applied for is/are not covered under CARP, and the PARO does not interpose any objection to the application, the application may be approved pursuant to existing provisions of law, rules and regulations.

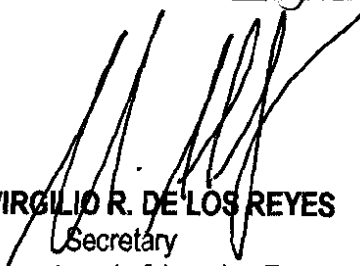
SECTION 4. Reporting and Monitoring. – All PAROs shall submit, at the end of each month, to the LRA-CARP and to the DAR-Bureau of Land Development (DAR-BLD) a list of Certificates of CARP coverage (CCC) or Certificate of Non-CARP Coverage (CNCC) issued pursuant to this Joint Circular.


SECTION 5. Repealing Clause. – The pertinent provisions of DAR Administrative Order (A.O.) No. 1, Series of 1989 (**Rules and Procedures Governing Land Transactions**), Joint DAR-LRA Memorandum Circular (M.C.) No. 09, Series of 1996 [**Adoption of a Joint DAR-LRA Operations Manual on Land Titling, Registration, and Distribution Under the Comprehensive Agrarian Reform Program (CARP)**], and any and all administrative orders, memorandum circulars and other issuances inconsistent herewith are hereby accordingly repealed, modified, and/or amended.

SECTION 6. Separability Clause. – Any judicial pronouncement declaring as unconstitutional any provision of this Joint Circular shall have no effect on the validity of the other provisions not affected thereby.

SECTION 7. Effectivity. – This Joint Circular shall take effect ten (10) days after its publication in two (2) newspapers of national circulation.

Quezon City, January 9, 2013


VIRGLIO R. DE LOS REYES
Secretary
Department of Agrarian Reform


EULALIO C. DIAZ, III
Administrator
Land Registration Authority

Department of Agrarian Reform
Office of the Secretary

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1. Business Mirror
2. Malaya
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Republic of the Philippines
Department of Agrarian Reform

Region No. _____
Province of _____
Municipality _____

CERTIFICATION

To Whom It May Concern:

This is to certify that the subject landholding described as follows:

Name of LO : _____
TCT/OCT No : _____
Lot No: : _____
Approved Survey No. : _____
Area (Has.) : _____
Location : _____
(Barangay/Municipality/Province)

is covered by an Application for Approval of a Subdivision Plan. After thorough validation, subject landholding: (Check appropriate box)

- is covered under CARP and DAR hereby interposes its objection to the approval of the application.
- DAR does not interpose any objection to the application.

Issued in _____, on _____.

Provincial Agrarian Reform Officer II
(Signature over Printed Name)






Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM

CERTIFICATION

This is to certify that **JOINT DAR-LRA Memorandum Circular No. 2 Series of 2013** entitled **“RULES AND PROCEDURES GOVERNING APPLICATIONS FOR APPROVAL OF SUBDIVISION PLANS BY THE LAND REGISTRATION AUTHORITY (LRA) AND REGISTRAR OF DEEDS (RODs) IF THE SUBJECT PROPERTIES ARE AGRICULTURAL LANDS”** is published today, Friday, 11 January 2013 at Business Mirror and Malaya newspapers.

Issued this 11th day of January 2013 for whatever purpose it may serve.


HUGO D. YONZON III
Public Affairs Director